

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9898 OF 2013
WITH WP/9899/2013

SURESH BABURAO PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Kawre B.R.
AGP for Respondents State: Mr.K.G.Patil
Adv.Mr.U.B.Bondar for R.2.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.**

DATE : 9th February, 2015.

P.C. :

The petitioners in both Writ Petitions had applied for the post of Junior Engineer (Civil). Petitioner in Writ Petition No.9898/2013 had applied for the post of Junior Engineer (Civil) from Handicap Open Category, whereas the petitioner in Writ Petition No.9899/2013 had applied from Physically Handicap Category.

2] The learned AGP submits that the posts were meant for social reservation i.e. one post was reserved for Scheduled Tribe and another for N.T.C. The social reservation could not have been changed. According to the learned AGP, even all the posts from direct recruitment had been filled in. There were no vacancies.

3] It appears from the affidavit in reply that the two posts which were available were from S.T. and N.T.C. Category.

4] In light of that, a person from Open category could not have been considered at all. As such, the petitioner in Writ Petition No.9898/2013 certainly could not have been considered from Open Category. It appears that the Zilla Parishad did not first seek permission and sought to convert the post to the Open Category. It is for the Government to consider about the sanction or to change the reservation of the said post.

5] The petitioner in Writ Petition No.9899/2013 had applied from Scheduled Caste category but the post was meant for N.T.C. Category. It would be open for the Government to consider whether such candidate can be considered from S.C. Category and whether such reservation would be interchangeable ofcourse in case of availability of the post.

6] In light of that, both Writ Petitions are disposed of. The respondent State may consider case of the petitioner in case it grants sanction to the conversion of the post and for interchange of reservation as the proposal is already received to it from the Zilla Parishad. The State may consider the same expeditiously preferably within six months. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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