

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9456 OF 2014

MANOJ BALVANTRAO KADAM AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Ingale Vivekanand V.
AGP for Respondent State : Mrs.S.A.Dhumal.
...

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 21st January, 2015.**

PER COURT :

Mr.Ingale, learned counsel for the petitioner submits that the name of the petitioner appears in the select list of Shikshan Sevak from Earthquake Affected Category. The said list is published on 25/8/2009, however, the petitioner is not given any appointment order pursuant to the same. The respondents be directed to appoint the petitioner as Shikshan Sevak. The learned counsel further submits that the judgment of the Full Bench is subsequent and the same may not apply to the selection process which has already been undertaken.

2] The selection list was of the year 2009. The Full Bench of this Court in the case of **Rajendra Pandurang Pagare and another V/s State of Maharashtra and others reported in 2009(4) Bom.C.R.928** has held that even persons from the Project

Affected Category have to compete in the selection process. In the present matter, the selection list was published in 2009 and there was open competition in the selection process. In light of that, request of the petitioner cannot be considered.

3] Learned counsel submits that the certificate of Earthquake Affected Category may not be deemed to be used.

4] In view of the fact that the selection list of 2009 if not given effect, the petitioner would be entitled to use the said Earthquake Affected Certificate if same is not used for any other purpose and at any other time. Writ Petition is disposed of. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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