

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7589 OF 2013

Smt. Anita Rajendra Randive	...	Petitioner
V/s.		
The State of Maharashtra & ors.	...	Respondents

Mr. S.S. Aradhye for the petitioners.

Mr. Vikas Mali, AGP for respondents 1, 2 and 4.

Mr. A.R. Metakri for respondent no.5.

**CORAM : NARESH H. PATIL AND
V.L. ACHLIYA, JJ.**

23rd March, 2015.

P.C.

The petitioner submits that Sanitary Inspector's post ought to have been advertised and if advertised he would have applied for the said post. The internal correspondence with the Municipal Council has been relied upon by the petitioner and other documents based on which it is submitted that respondent no.5 ought not to have been appointed as Sanitary Inspector. His appointment is contrary to law. Learned Counsel appearing for respondent no. 5 has placed on record copy of order passed by the Division Bench of this Court in Writ Petition No. 5149/2001

dated 8th April, 2009. Learned Counsel submits that being an in-service candidate, the respondent no.5 was considered for the post and was accordingly appointed. The learned Counsel has further placed on record photo-state copy of communication made by Chief Officer to the District Collector dated 31st December, 2005.

2. It is submitted by the learned Counsel that respondent no.5 was appointed as Sanitary Inspector in the year 2005. The issue raised by the petitioner is in respect of recruitment to the post of Sanitary Inspector which was filled in by appointing in-service candidate. In the facts of the case at the behest of petitioner, we are not inclined to reopen the issues. Writ Petition is disposed of.

(V.L. ACHLIYA, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.