

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

WRIT PETITION NO. 7248 OF 2013

Shri Sashikant Sampat Mahale	...	Petitioner
V/s.		
Kalyan Dombivali Mun. Corpn. & ors.	...	Respondents

WITH
WRIT PETITION NO. 7251 of 2013

Shri Kishor Pandurang Shelke	...	Petitioner
V/s.		
Kalyan Dombivali Mun. Corpn. & ors.	...	Respondents

Mr. R.P. Lote for the petitioners.
Mr. A.S. Rao for respondent no.1 Corporation.
Mr. C.P. Yadav, AGP for the State.

**CORAM : NARESH H. PATIL AND
A.S. GADKARI, JJ.**

7th January, 2015.

P.C.

Heard learned Counsel for the parties.

2. Learned Counsel appearing for the Corporation submits that subject advertisement inviting application for appointment of Senior Auditor is being withdrawn. The Corporation may contemplate at appropriate time for issuing fresh advertisement.

3. The Counsel appearing for the petitioners submits that petitioner is a

qualified person who is entitled to participate in the advertisement. Accordingly he participated and still the Corporation for the reasons best known to it is not issuing any appointment order in favour of petitioner as senior auditor.

4. The learned Counsel appearing for Corporation submits that petitioner has served the Corporation throughout as a clerk and is claiming to be a Senior Auditor. One of the essential conditions for appointing a person as a Senior Auditor is that he shall serve and has experience as junior auditor. Petitioner does not have that qualification.

5. We have considered the submissions. The petitioner cannot insist that he shall be appointed as Senior Auditor in the process undertaken by way of direct appointment. It is not disputed that present subject post of Senior Auditor is not a promotional post.

6. It is desirable that Corporation takes effective steps to fill in 3 vacant posts of Senior Auditors lying vacant since last several years. The Corporation shall take appropriate steps to appoint suitable eligible persons to these posts.

7. With these observations and directions, writ petitions are disposed of.

(A.S. GADKARI, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.