

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

WRIT PETITION NO. 8765 OF 2014

Dr. Dhananjay R. Tarlekar ... Petitioner

V/s.

State of Maharashtra & anr. ... Respondents

Mr. Vijayprakash Yadav for the petitioners.

Mr. Deepak R. More for respondent no.2.

Mr. P.P. Kakade, AGP for respondent no.1.

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

2nd February, 2015.

P.C.

The petitioner participated in the walk-in interview conducted by respondent Corporation consequent to issuance of advertisement (Exhibit “A” to the petition). The grievance of the petitioner is that while the petitioner attended the interview on 13th July, 2014 at the given time and place by the respondent, he was informed that he will have to appear in written examination. Petitioner was not prepared to give such written

examination but he had no other option but to appear in the written examination alongwith other candidates who were holding MBBS degrees. The tenure of appointment was for duration of six months. The appointment was given on temporary basis. The petitioner's contention is that though the six months period has come to an end but it is necessary to issue directions to enquire into the matter and take the action against persons responsible for the lapses committed.

2. Respondent no.2 filed affidavit-in-reply. Reliance is placed on the Government Resolution annexed to the reply. The date of resolution is 5th June, 2014. It is submitted that at the last moment the G.R. issued by the State was brought to the notice and decision was taken to hold written examination instead of walk-in interview (oral). Learned Counsel submits that petitioner alongwith 37 medical officers appeared in the written examination who failed to secure the necessary marks. It is submitted that term of temporary appointment is already over. Petition, therefore, has become infructuous.

3. The Government Resolution was issued on 5th June, 2014. The

advertisement was issued on 18th June, 2014 which obviously was issued after the issuance of Government Resolution. Even if we consider that respondent authorities of the Corporation were not aware of the said G.R. or it was not brought to the notice, still the authorities could have postponed the walk-in interview or written examination and provided sufficient opportunity to candidates to appear in the written-examination. Adopting such a method by the respondent was uncalled for. Such a decision suffers from non-application of mind. The learned Counsel appearing for the petitioner placed reliance on the Supreme Court judgment in the case of ***Renu & ors. v/s. District & Sessions Judge, Tis Hazari & anr. (AIR 2014 Supreme Court 2175)*** and ***Ajay Hasia & ors. v/s. Khalid Mujib Sehravardi & ors. [(1981) I Supreme Court Cases 722]***.

4. We have perused the aforesaid citations. The fact remains now is that the six monthly appointment period is already over. The posts were not sanctioned and as per exigencies and requirement the Corporation recruited the medical officers for temporary period of six months.

5. In view of the development as stated above, no effective orders can

be passed in this petition but we direct the State Government; Principal Secretary, Urban Development Department to call for explanation from the then Commissioner of Pimpri Chinchwad Municipal Corporation in respect of taking decision or any other officer who was associated with the decision making process for holding written-examination of these candidates at the last moment.

6. With aforesaid observations and directions, Writ Petition is disposed of.

(A.S. GADKARI, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.