

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1932 OF 2014

Santosh Fulsing Chavhan

-vs-

State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.C.B.Dharmadhikari, counsel for the petitioner.
Mr.N.R.Patil, AGP for the respondent Nos.1 to 4.
Mr.A.P. Shende, counsel for the respondent No.5.
Mrs.Anuradha Taiwade, counsel for the respondent No.6.

CORAM : SMT.VASANTI A. NAIK &
PRASANNA B. VARALE, JJ.

DATE : 17.07.2015.

By this petition, the petitioner challenges the order of the Maharashtra Administrative Tribunal, Nagpur, dated 21/11/2013, dismissing the original application filed by the petitioner and holding that the order of the respondents-Department in terminating the services of the petitioner was proper.

In pursuance of an advertisement issued by the respondent No.1, through the Maharashtra Knowledge Corporation Limited, the petitioner had applied for a Class-IV post that was earmarked for VJ (A) category. The petitioner participated in the selection process and a select list was published at the completion of the process. In the select list, the petitioner was placed at Sr.No.1 and, therefore, the petitioner was appointed on the Class-IV post. The petitioner worked on the Class-IV post for some time when by the order, dated 14/05/2012, the services of the petitioner were

terminated on the ground that it was noticed by the Maharashtra Knowledge Corporation Limited that the petitioner had secured lesser marks than the respondent No.5, but mistakenly the marks were shown to be more. The petitioner challenged the termination before the Maharashtra Administrative Tribunal. The Maharashtra Administrative Tribunal dismissed the original application filed by the petitioner. The Tribunal held that since the petitioner had secured lesser marks than the respondent No.5, the petitioner was not entitled to any relief though the petitioner had worked on the post for quite some time.

When this matter came up for admission and hearing before this Court on 19/06/2015, this Court asked the respondents-Department whether any other Class-IV posts were vacant. Thereafter, the matter was adjourned at the request of the learned Assistant Government Pleader in the absence of instructions.

Shri Patil, the learned Assistant Government Pleader, states on instructions that several Class-IV posts are vacant in Gadchiroli and other districts of the respondents-Department. It is stated that if this Court so directs, the respondents-Department may accommodate the petitioner on one of the vacant posts.

In the peculiar facts of the case, since the petitioner had worked on the post on which he was appointed for quite some time and since the petitioner was not at fault in seeking his appointment by misleading the respondents-Department, it would be necessary in the circumstances of the case to direct the respondents-Department to accommodate the petitioner on any Class-IV post in Gadchiroli district. The said

direction is being issued in the peculiar facts of the case and because there are vacancies available with the respondents in Gadchiroli and other districts.

Hence, for the reasons aforesaid, we dispose of the writ petition with a direction to the respondent Nos.1 to 4 to appoint the petitioner on any Class-IV post in Gadchiroli District within a period of one month. It is needless to mention that since the relief has been granted in favour of the petitioner in the peculiar circumstances of the case, the appointment of the petitioner would be treated as a fresh appointment. The learned counsel for the petitioner agrees that the appointment of the petitioner would be treated as a fresh appointment.

Order accordingly. No costs.

JUDGE

JUDGE