IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2156 of 2013

[Ku. Vandana d/o Pandurang Jadhav (Mrs. Vandana w/o Arun Lanjewar) Vs. State of Mah. Through its Secretary, Medical Education and Drugs Dept. and ors.)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's order

Shri C. M. Samarth, Advocate for petitioner
Shri N. S. Khubalkar, AGP for respondent nos. 1, 3 and 4

CORAM : B. P. DHARMADHIKARI & A P. BHANGALE, JJ.

DATE : 11-3-2015.

Request of learned Advocate Shri Samarth for adjournment to file rejoinder is rejected. As request is rejected, learned counsel for the petitioner has argued the matter.

We have also heard learned AGP.

The order of Maharashtra Administrative Tribunal (MAT) show that appointment order could not have been issued to petitioner as she was down below in merit list. The State Government has also raised contention before the MAT that the O.A. has been filed beyond the period of one year from the date of publication of select list.

Before us, it is contended that there were two vacancies which were not filled in. The said aspect is considered by the MAT in last paragraph of the order that there were two candidates above the petitioner in waiting list. The candidate who was placed at serial no. 1 was not issued the appointment order as she did not possess caste validity. After realising this fact, State Government found that it was not necessary for her to submit caste validity and an appointment order was issued to her. Insofar as other two vacancies are concerned, MAT has found that there were two more meritorious candidates available for consideration. No legal right of petitioner was therefore found violated. In this situation, we find no perversity in the order passed by the MAT. Hence, the writ petition is rejected with no order as to costs.

JUDGE **JUDGE**

wasnik