

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

WRIT PETITION NO.2377 OF 2015

[Pankaj Sahebrao Ghadge .vs. State of Maharashtra and others]

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

Court's or Judge's orders

Mr. A.P. Kalmegh, counsel for the petitioner,
Ms. P.D. Rane, AGP for respondent nos.1 and 2,
Mr. M.G. Rathi, counsel for the respondent no.3.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATED : AUGUST 21, 2015.

The only prayer made by the petitioner is a direction to the respondent no.2-Collector/Chairman, District Selection Committee, Amravati and the respondent no.3-Chief Executive Officer, Zilla Parishad, Amravati to decide the representation of the petitioner, dated 24.11.2014, within a time frame.

The petitioner had applied for the post of Junior Engineer in pursuance of an advertisement issued by the respondent no.2-Collector from the ESBC category. The petitioner was selected but no appointment order was issued in favour of the petitioner. The petitioner made a representation to the respondents asking the respondents to consider the appointment of the petitioner on the post of Junior Engineer from the ESBC category. A prayer is made in the writ petition for a direction to the respondents to decide the representation.

Ms. Rane, the learned Assistant Government Pleader appearing on behalf of the respondent nos.1 and 2 and Mr Rathi, the learned counsel for the respondent no.3, state that this Hon'ble High Court had stayed the appointments in the ESBC category, by an order dated 14.11.2014 in a writ petition filed at the principal seat. It is

stated that in view of the stay granted by this court, a resolution is issued on 21.2.2015 restraining the authorities including the respondent no.3 from appointing the candidates on the post earmarked for the ESBC category. It is stated that since there is a stay on the appointment of the candidates on the posts earmarked for the ESBC category, neither can the representation of the petitioner be decided nor could the petitioner be considered for the appointment.

In the circumstances of the case, the relief sought by the petitioner cannot be granted. No direction could be issued to the respondents to decide the representation of the petitioner as the exercise in that regard would be futile. In view of the ban on the recruitment on the posts reserved for the ESBC category, the petitioner cannot be considered for appointment on the post of Junior Engineer from the said category. The relief sought by the petitioner cannot be granted.

In the result, the writ petition fails and is dismissed, with no order as to costs.

JUDGE

JUDGE

Gulande