

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

WRIT PETITION NO. 2823/2014

(HEENA TABASSUM MOHD. SADIQUE **VERSUS** AKOLA MUNICIPAL CORPORATION & ANOTHER)

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

Court's or Judge's orders

Shri Warulkar h/f S.P. Palshikar, counsel for the petitioner.
Shri A.De, counsel for the respondents.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATE : MARCH 24, 2015.

By this petition, the petitioner seeks a direction to the respondents to consider the candidature of the petitioner for the post of Shikshan Sevak in pursuance of the advertisement issued by the respondents on 05.07.2008. The petitioner seeks the appointment as Shikshan Sevak with effect from the year 2009.

The respondent-Municipal Corporation had issued an advertisement on 05.07.2008 inviting applications from eligible candidates for appointment on the post of Shikshan Sevak. The petitioner applied in pursuance of the said advertisement. According to the petitioner, the petitioner was placed at Serial Number 10 in the select list maintained for the persons falling under the category of Projected Affected Persons. Since the petitioner was not appointed, though others were appointed on the post of Shikshan Sevak, the petitioner filed Writ Petition No.491 of 2009. The petitioner has again approached this Court seeking the aforesaid relief on the ground that some other candidates were appointed on the post of Shikshan Sevak in the year 2013 after their appeals were allowed by the Grievance Committee.

On hearing the learned counsel for the parties, it appears that the relief sought by the petitioner cannot be granted. A direction cannot be issued to the respondent to appoint the petitioner on the post of Shikshan Sevak in pursuance of the advertisement issued on 05.07.2008. The petitioner has averred in the writ petition that several candidates were appointed on the post of Shikshan Sevak in the year 2009. Some of the candidates may have approached the Grievance Committee as they were not appointed and even if they are appointed on the basis of the order of the Grievance Committee, the petitioner cannot seek her appointment on the basis of the advertisement dated 05.07.2008 by filing a writ petition in the year 2014. It is well settled that the selected candidate does not have a right to be appointed on the post for which he had applied. It is also held by the Hon'ble Supreme Court that the life of the select list gets exhausted when selection and appointment to the advertised post is made. In the instant case, the select list was displayed in the year 2008-09 and the appointments were also made in the year 2009. As soon as the candidates were appointed, the selection list got exhausted. The candidates placed below the last appointee cannot claim appointment against the post which subsequently becomes available. It would be necessary to refer to the judgments of the Hon'ble Supreme Court reported in **AIR 2013 SC 3580** (*Raj Rishi Mehra & Others Versus State of Punjab & Another*), **(2009)1 SCC 386** (*Mukul Saikia & Others Versus State of Assam & Others*) and **(2002)1 SCC 113** (*State of Punjab Versus Raghbir Chand Sharma & Another*), in this regard.

In view of the aforesaid, we dismiss the petition with no order as to costs.

JUDGE

JUDGE