

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

WRIT PETITION NO.4913/2015

Ganaji s/o Vishwanath Khadse

...Versus...

The State of Maharashtra, Secretary, Department of Education, Cultural & Sports, Mantralaya, Mumbai-32 and others

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

Court's or Judge's orders

Shri A.M. Balpande, Advocate for petitioner
Shri N.S. Khubalkar, AGP for respondent no.1

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

DATE : 24.08.2015

By this petition, the petitioner challenges the appointment of the respondent no.3 by the respondent no.2 – College on the post of library attendant.

In pursuance of the advertisement issued by the respondent no.2, the petitioner and certain other candidates had applied for the post of library attendant. It is the case of the petitioner that though the candidates were interviewed on 19.12.2014, the petitioner did not receive the interview call before the said date and received the same on 24.12.2014. It is stated that the interviews were again conducted on 13.1.2015 but the petitioner was not informed about the interviews at all. It is stated that the action on the part of the respondent no.2 in selecting and appointing the respondent no.3 on the post of library attendant is bad in law.

On hearing the learned Counsel for the petitioner and the learned Assistant Government Pleader for the respondent no.1, it appears that the relief sought by the petitioner cannot be

granted and the appointment of the respondent no.3 cannot be quashed and set aside. It is admitted that the interviews of the candidates were conducted on two dates i.e. on 19.12.2014 and 13.1.2015. Though the petitioner may not have received the interview call for the interview dated 19.12.2014 before the said date, it appears from the communication at Annexure - L that the petitioner had approached the respondent no.2 on 29.12.2014 for making an inquiry in respect of the interview. Since the petitioner had approached the Principal of the respondent no.2 – College in the recess and the Principal was having lunch, the petitioner was asked to wait for some time. Instead of waiting in the respondent no.2 – College, the petitioner left the College. Also, it appears that the petitioner had not issued the demand draft of Rs.69/- in the name of Principal respondent no.2 – College at Mangrulpir. Though the petitioner was informed about the mistake in preparing the draft, the petitioner did not make amends and did not send the draft in the correct name. In this background, the petitioner cannot make a hue and cry in respect of the inaction on the part of the respondent no.2 in permitting the petitioner to appear at the interview dated 13.1.2015. We do not find any illegality in the action of the respondent in selecting and appointing the respondent no.3. The prayer made in the writ petition cannot be granted.

In the circumstances mentioned hereinabove, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE