FARAD CONTINUATION SHEET NO.

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

WRIT PETITION NO.5417 OF 2014

Ratnapal S/o Bhaskar Satdeve and others

-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.M.K.Kulkarni, counsel for the petitioners.
Mr.N.S.Rao, AGP for the respondent Nos.1 and 2.
Mr. H.N.Verma, counsel for the respondent Nos.3 and 4.

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

DATE : 22.04.2015.

By this petition, the petitioners challenge the selection process in pursuance of the advertisement issued by the Zilla Parishad on 19/09/2013. The petitioners seek a direction to the respondents to appoint the petitioners on the post of Parichar/Peon.

An advertisement was issued by the Zilla Parishad on 19/09/2013 calling applications from candidates interested in seeking appointment on the post of Parichar/ Peon. The petitioners applied in pursuance of the advertisement. According to the petitioners, several illegalities were committed by the Selection Committee while conducting the selection process. It is stated that the son of the Education Officer (Primary) was one of the aspirants for the post of Parichar/Peon and the Education officer (Primary) was one of the members on the Selection Committee. It is stated that the son of the Education Officer (Primary), Shri Avinash Garhate was appointed on the post of Parichar/Peon.

When the matter was heard on 03/11/2014, we were not inclined to issue notice on the other allegations made by the petitioners in regard to the illegalities in the selection process as those allegations/grounds were raised in Writ Petition No.368 of 2014 and this Court had dismissed the writ petition on 09/09/2014. However, since it was argued on behalf of the petitioners that the Education Officer (Primary) was one of the members on the Selection Committee when his son has applied for the post of Parichar/ Peon, we had issued notice to the respondents on the allegation of bias.

The respondent-Zilla Parishad has filed an affidavit-in-reply. It is stated by the Zilla Parishad in the said affidavit that Shri Avinash Garhate, the son of the Education Officer (Primary), did not apply in pursuance of the advertisement and had not competed for the post of Parichar/ Peon. It is stated by relying on the appointment order of Shri Avinash Garhate, dated 16/09/2013 that Shri Avinash Garhate was appointed even before the advertisement was issued by the Zilla Parishad on 19/09/2013 on the post of Junior Clerk. It is stated that the allegations made by the petitioners in that regard are false and baseless. It is stated that the Education Officer (Secondary) is not related to Shri Avinash Garhate and though the Education Officer (Primary) is related to Avinash Garhate, neither the Education Officer (Primary) was the member on the Selection Committee nor did Shri Avinash Garhate apply for the post of Parichar/Peon in pursuance of the advertisement dated 19/09/2013.

On hearing the learned counsel for the parties and on a perusal of the appointment order of Shri Avinash Garhate, we do not find any force in the allegation of bias, as

levelled by the petitioners, in this case. Firstly, Shri Avinash Garhate was appointed on the post of Junior Clerk and not on the post of Parichar/Peon. The advertisement dated 19/09/2013 was for appointment to the post of Parichar/ Peon. Moreover, Shri Avinash Garhate was appointed on 16/09/2013, i.e. before the issuance of the advertisement on 19/09/2013. Also, it does not appear that the Education Officer (Primary) was one of the members on the Selection Committee. Since the appointment of Shri Avinash Garhate was on the post of Junior Clerk and the same was made before the issuance of the advertisement on 19/09/2013, there was no illegality even if the Education Officer (Primary) was one of the members of the Selection Committee. We, however, find that he was not a member of the Committee. After Writ Petition No.368 of 2014 filed by some of the other candidates was dismissed, the petitioners, without verifying the correctness or otherwise about the appointment of Shri Avinash Garhate in pursuance of the advertisement dated 19/09/2013, filed the instant petition raising the said ground. We do not find any merit in the statement made on behalf of the petitioners in regard to the illegal constitution of the Selection Committee and the illegal appointment of the son of the Education Officer (Primary). Even the list of candidates selected in pursuance of the advertisement dated 19/09/2013 and filed by the petitioners on record does not include the name of Shri Avinash Garhate.

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

JUDGE **JUDGE**

KHUNTE