

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3282 OF 2015

Suresh S/o Narayan Arklwad,
Age : 35 Years, Occu. : Unemployed,
R/o Shaikh Farid Nagar, Bhokar,
Tq. Bhokar, Dist. Nanded. .. Petitioner

Versus

1. The State of Maharashtra,
Through Principal Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai.
2. The District Collector and
President District Selection Committee,
Beed, Dist. Beed.
3. The Chief Executive Officer,
Zilla Parishad, Beed.
4. The Dy. Chief Executive Officer,
Zilla Parishad, Beed. .. Respondents

Shri Omgashad B. Boinwad, Advocate for the Petitioner.
Ms. S. S. Raut, A.G.P. for Respondent Nos. 1 and 2.
Shri P. D. Suryawanshi, Advocate for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 22ND AUGUST, 2016.

ORAL JUDGMENT (Per S. V. Gangapurwala, J.) :-

. Rule. Rule made returnable forthwith. With the consent of parties, taken up for final hearing.

2. The petitioner pursuant to an advertisement issued by respondent Nos. 2 and 3 for the post of peon applied from the Scheduled Tribe Project Affected Persons category. The petitioner was selected and was kept on wait list at Sr. No. 1. Another person namely Mr. K. R. Chavan was selected. The said selection list/wait list was published on 16.08.2013.

3. The selected candidate stood disqualified as he did not submit the necessary documents. The petitioner was asked to submit the documents vide letter dated 17.06.2014. The petitioner on or about 23.06.2014 submitted all the original documents. The said documents were also sent for verification on 21.07.2014 by respondents. However, the claim of the petitioner is not considered vide order dated 10.02.2015 only on the ground that the documents were not verified by 15.08.2014 and as one year had lapsed, the wait list had also stood lapsed.

4. The learned counsel for the petitioner states that, the petitioner immediately on receiving the communication had submitted all the original documents for verification. There was no delay on the part of the petitioner. The selected candidate already stood disqualified and as on 21.07.2014 the documents of

the petitioner were also sent for verification, though the same have been verified by respondents subsequently, as the claim of the petitioner was well within period of one year, there was no impediment for the respondents to consider claim of the petitioner.

5. Mr. Suryawanshi, the learned counsel for respondent Nos. 3 and 4 submits that, the wait list is valid only for one year. The same was published on 16.08.2013 and as the verification of the documents was not done till 15.08.2014, the wait list on 16.08.2014 stood lapsed. The claim of the petitioner as such could not have been considered. The learned counsel relies on the Government Resolution dated 27.06.2008.

6. We have heard the learned Assistant Government Pleader also.

7. The fact that, the petitioner had taken part in the selection process is not disputed. It is also fact that the petitioner stood at Sr. No. 1 in the wait list. It is also not disputed that wait list was published on 16.08.2013. The selected candidate stood disqualified on 21.07.2014. Prior to the said date communication was made to the petitioner to submit all the original documents for verification. On 23.06.2014 the petitioner submitted all the original documents for verification. On 21.07.2014 the Chief Executive Officer of the Zilla Parishad also forwarded the

certificates to the concerned District Rehabilitation Officer for verification. To verify the documents is the responsibility of the respondents. There was no fault on the part of the petitioner. The petitioner complied with each and every aspect immediately. For the fault on the part of the respondents, petitioner cannot be put to loss. The wait list was valid upto 16.08.2014. The post for which selection was done became vacant because of the person selected being disqualified. There was no impediment to consider case of the petitioner, when the same was much prior to the lapse of one year of the publication of the selection/wait list.

8. As the petitioner is not at fault and the petitioner had complied with all the formalities within stipulated period, the impugned order as such cannot be sustained. The same is quashed and set aside. The respondent Nos. 3 and 4 shall consider the case of the petitioner for the post of peon/Shipai i. e. the post on which the petitioner was kept at Sr. No. 1 of the wait list and his candidature shall not be rejected only on the ground that wait list has lapsed.

Rule accordingly is made absolute in above terms. No costs.

Sd/-
[K. L. WADANE, J.]

Sd/-
[S. V. GANGAPURWALA, J.]