

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

915 WRIT PETITION NO.5424 OF 2014

SHANKAR MANOHAR BHANDARGE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Patil Milind  
Mr. S.D.Kaldate, AGP for Respondents: 1 , 3 & 4;  
Mr. PR Tandale, Adv. For R/2

---

**CORAM : S.S.SHINDE &  
P.R.BORA,JJ.**

**DATE : 17<sup>th</sup> February, 2016.**

**PER COURT :**

1) Heard. The learned Counsel appearing for the petitioner invited our attention to pages 38 to 39 of the compilation, i.e. letter written by the Chief Executive Officer, Zilla Parishad, Latur to the petitioner. He further invited our attention to condition No.8 of the appointment letter issued to the petitioner and submits that, at the relevant time, though the petitioner was entitled for appointment on Class-III post, since the said post was not available for the petitioner, he was given appointment in Class-IV post. He further submits that the petitioner has completed the course of

Construction Supervisor and, therefore, he was eligible to be appointed as Assistant to Civil Engineer. He, further invited our attention to the letter written by the Chief Executive Officer, Zilla Parishad, Latur to one Mr. Prakash Hirlekar, Deputy Secretary, Rural Development and Water Conservation Department, Mantralaya, Mumbai and submits that, as a matter of fact, the petitioner's case was favourably considered and recommended, however, the petitioner was appointed as a Jr.Assistant (Class-III). He submits that, befitting the qualification possessed by the petitioner, he deserves to be appointed as Assistant to Civil Engineer. In support of the aforesaid contentions, he placed reliance in the case of Nitin Vitthalrao Tandale vs. the State of Maharashtra - WP No. 8185 of 2014 decided on 28<sup>th</sup> September, 2015.

2) On the other hand, learned Counsel appearing for Respondent/Zilla Parishad, invited our attention to the office order issued by the Chief Executive Officer, Zilla Parishad, Latur, and submits that the petitioner was appointed on the post of Jr.Assistant which is in Class-III post and, therefore, the

petitioner has no right to assert.

3) We have heard the learned counsel for the respective parties. With their able assistance perused the pleadings and grounds taken in the petition, annexures thereto and the reply filed by Respondent No.2. Upon perusal of page 43, i.e. inter se communication between the the Chief Executive Officer, Zilla Parishad, Latur and Desk Officer, Rural Development and Water Conservation Department, Mantralaya, Mumbai, there is no slightest doubt that the petitioner was appointed as Jr. Assistant (class-III post) in the year 2009. The petitioner has accepted the appointment on the said post and also started discharging the duties on the said post. In the first place, the petitioner has no right to assert that, the post of Assistant to Civil Engineer should have been offered to him. Further, having been appointed as Jr. Assistant on Class-III post in the year 2009, we do not think that this Court can issue any mandatory directions to the respondents to appoint the petitioner as Assistant to Civil Engineer. However, if the respondents desires to accommodate the petitioner on the post of Assistant

to Civil Engineer, keeping in view that the petitioner has completed the course of Construction Supervisor, they may do so.

4) No case is made to grant any relief. The petition stands disposed of.

**(P.R.BORA)**  
**JUDGE**

**(S.S.SHINDE)**  
**JUDGE**

bdv/