

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

WRIT PETITION NO.5668 OF 2014

Nabiji Shamimbegum Quamoroodin,
Age 26 years, Occ. Education,
r/o. Paigambarpura,
Khadkali Galli, Udgir,
Tq. Udgir, Dist. Latur

..Petitioner

Vs

1. The State of Maharashtra,
Through Secretary,
School Education and Sports
Division, Mantralaya,
Mumbai
2. The Commissioner,
Maharashtra State Council of
Examinations, Pune
3. The Director of Education
(Primary), Maharashtra State,
Pune
4. Bhivandi Nijampur City Municipal
Corporation Shikshan Mandal,
Bhivandi, through its
Administrative Officer

..Respondents

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Mr.S.S.Thombre, Advocate for petitioner

Mrs.M.A.Deshpande, AGP for respondent no.1

Mr.A.R.Nikam, Advocat for respondent no.2

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.
DATE : JUNE 28, 2016**

ORDER :

Heard the learned Counsel appearing for the petitioner, the learned AGP appearing for respondent no.1 and the learned Counsel appearing for respondent no.2. None present for respondent no.4, though served.

2. The learned Counsel appearing for the petitioner submits that though, it is the contention of the respondents that a Call Letter was sent to the petitioner asking him to appear for the Interview, no such letter was received by the petitioner. The learned Counsel submits that it is highly improbable that the petitioner, who is in desperate need of an employment, will not attend the interview inspite of receiving the letter calling him for interview. He, therefore, submits that the petitioner may be issued an appointment order.

3. On the other hand, the learned AGP for the State vehemently opposes the prayer of the petitioner. She submits that since the petitioner did not attend the Interview, he cannot be given appointment order. She, therefore, prays that the petition may be rejected.

4. We have given careful consideration to the submissions advanced by the learned Counsel appearing for the parties. With their able assistance, perused the pleading in the petition and annexures thereto.

5. As regards the contention of the petitioner that he did not receive the call letter for oral interview, it is not possible for this Court to enter into such disputed question of fact. Therefore, we cannot consider the said contention of the petitioner.

6. Since the petitioner's case was recommended for Bhivandi Nijampur City Municipal Corporation Shikshan Mandal, through selection process, which was conducted in the year 2010, in case, still there is a vacant post of 'Shikshan Sevak' for Urdu medium, we direct respondent no.4 to consider the case of the petitioner, keeping in view the relevant Rules and take a decision as expeditiously as possible, however, within a period of eight weeks from today and communicate the decision to the petitioner.

7. This Writ Petition stands disposed of accordingly.

8. The parties to act on authenticated copies of this order.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]

kbp