

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

Writ Petition No. 6105 of 2015

District : Nanded

Maroti s/o. Prakashrao Pawde,
Age : 27 years,
Occupation : Advocate,
R/o. Matruchaya Niwas, 805/23,
Chhatrapatinagar, Wadi (Bk.),
Taluka & District : Nanded.

.. Petitioner.

versus

1. The State of Maharashtra,
Through the Secretary,
Department of Law and Judiciary,
Mantralaya, Mumbai.

2. Maharashtra Public Service
Commission,
Through its Secretary,
Building of Bank of India,
3rd floor,
Mahatma Gandhi Marg,
Mumbai - 400 001.

.. Respondents.

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*Mr. Rajendra S. Deshmukh, Advocate, for the
petitioner.*

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent no.1.*

Respondent no.2 served (Absent).

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**CORAM : S.S. SHINDE &
SANGITRAO S. PATIL, JJ.**

DATE : 18TH APRIL 2016

COURT'S ORDER *(Per S.S. Shinde, J.)* :

Heard the learned Counsel appearing for the petitioner and the learned Asst. Government Pleader appearing for respondent no.1. None for respondent no.2 though served.

2. Perused the affidavit in reply filed by respondent no.2 and in particular, para 9 thereof.

3. It appears that 9 candidates appeared for the examination secured total 132 marks and they are recommended to the Government. They are shown at Serial Nos. 216 to 224 in the recommendation list. The petitioner also secured 132 marks. However, those 9 candidates possess higher qualification i.e. Post-Graduation Degree in Law. The petitioner does not possess Post-Graduation Degree but possesses only Degree in Law. As per the ranking of candidates securing equal marks, the position of the petitioner is shown below said 9 candidates.

4. The learned Counsel appearing for the petitioner invited our attention to the amended petition i.e. paras 9-A and 9-B and submits that out of 224 candidates selected for the post of Civil Judge (J.D.) & J.M.F.C., in the said selection process, 10 candidates have either left the post or

have been disqualified in the verification process. Their posts have been fallen vacant. Therefore, the petitioner may be appointed on one of such posts.

5. The petitioner appeared in the selection process pursuant to the advertisement No. 65/2014. Thereafter again advertisements were issued by the Maharashtra Public Service Commission and further selection process has been undertaken. Therefore, we cannot consider the prayer of the petitioner that some posts are still vacant and directions be given to the respondents to appoint the petitioner on any of such vacant posts. In view of the subsequent advertisement and selection process undertaken by the respondents, there is no question of maintaining vacant posts from the selection process undertaken pursuant to advertisement No. 65/2014. We are unable to persuade ourselves to grant any relief to the petitioner.

6. In the result, the Petition fails and the same is rejected.

(SANGITRAO S. PATIL)
JUDGE

(S.S. SHINDE)
JUDGE

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