

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.7827/2015

Suresh S/o Hanmant Deshpande.

..Petitioner..

Versus

The State of Maharashtra & others.

...Respondents..

.....

Shri Vivek Dhage, Advocate for the Petitioner.

Shri B.A Shinde, AGP for respondent Nos.1 & 5.

Shri Suhas Ghute, Advocate for respondent Nos.2 & 3.

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

DATE: 24.10.2016

ORDER :

1] Learned counsel for the petitioner submits that the petitioner was a Mustering Assistant. As per the policy of the Government, all Mustering Assistants were required to be absorbed in Class-III / IV posts available with the Zilla Parishads and the Government. Thereafter, the respondents have absorbed such Mustering Assistants. The

petitioner was also in the list of the Mustering Assistants who are required to be absorbed. Even the order to that effect was issued on 16.9.2004, however, no posting was given to the petitioner. The learned counsel submits that as yet the petitioner is not absorbed in any post. On instructions, the learned counsel submits that the petitioner is ready to work on any post i.e. Class III or Class IV though the petitioner is eligible to be absorbed in Class III post.

2] Learned counsel for the respondent nos.2 & 3 on instructions states that there was no post vacant. The Collector had issued the order without concurrence of the Zilla Parishad and without verifying as to whether the post is vacant.

3] The learned counsel on instructions from the Zilla Parishad states that recently a new post is created i.e. Multipurpose Worker (Male) with the Health Department of the respondent nos.2 & 3 and the petitioner can be absorbed on the said post.

4] The said statement made by the learned counsel for the respondent nos.2 & 3 is accepted. The respondent nos.2 & 3 shall absorb the petitioner on the post of

Multipurpose Worker (Male) of the Health Department and necessary orders be issued to the petitioner expeditiously. Writ petition is accordingly disposed of. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)