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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.10550/2015

Rahul Narayan Bhise.

...Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri Tatyasaheb Bhosale, Advocate for petitioner.

Shri V.H. Dighe, AGP for respondent nos.1 to 3.

.....

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

DATE: 05.10.2016

ORDER :

1] Learned counsel for the petitioner submits that the order dated 2.7.2015 refusing appointment to the petitioner from the project affected person's category is illegal. According to the learned counsel, in view of the provisions of the Rehabilitation Act also, the petitioner is entitled for appointment from the category of project affected persons. According to the learned counsel, the recommendation was also given by the Collector in that regard, but no cognizance has been

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taken.

2] Learned AGP supports the order and submits that the petitioner cannot be given direct appointment. He has to compete with other persons on merits from the project affected persons category, then the persons from the said category can be appointed. The learned AGP relies on the judgment of the Full Bench of this Court in the case of *Rajendra Pandurang Pagare & another v. State of Maharashtra & others* reported at **2009 (4) Mh.L.J., 961**.

3] The issue in this regard is no longer *res integra* in view of the judgment of Full Bench of this Court in case of *Rajendra Pandurang Pagare & another v. State of Maharashtra & others*, referred to above.

4] In view of above, the grievance of the petitioner cannot be entertained. In case some communications are made, the petitioner may prosecute the same.

5] The writ petition is disposed of. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)