

Mr. Jadhavar, the learned counsel for the petitioner states that, pursuant to the advertisement issued by the respondent No. 3 on 16.09.2013 for the post of Parichar/Peon on the establishment of the respondent No. 2, the petitioner applied for the post of Parichar/Peon. The petitioner was kept in the wait list and he was the only candidate on the wait list. The learned counsel submits that, the said list was published on 17.01.2014. The appointment order was issued to one Avinash Bhangre on 13.02.2015 and to another person on 15.07.2015. Avinash Bhangre did not join the post pursuant to the appointment order. As such the petitioner on 18.04.2015 made a representation to the

respondent No. 2 requesting for issuance of appointment order in his favour as the selected candidate has not joined the service. The said application is not considered, nor any appointment order is issued to the petitioner.

2. Mr. Bondar, the learned counsel for respondent Nos. 2 and 3 submits that, the select list can operate only for one year as per the Government Resolution dated 27.06.2008. As the application of the petitioner for appointment was after lapse of one year of the publication of the select list, the application of the petitioner could not be considered.

3. We have also heard the learned Assistant Government Pleader.

4. It is trite that, the select list normally would operate for one year.

5. The undisputed facts of this case are that, the select list was published on 17.01.2014. The appointment order to one selected candidate was issued on 13.02.2015 and to another candidate thereafter. The petitioner within two months of the issuance of the appointment order to the selected candidate filed an application stating that the selected candidate did not join and he being only candidate in the wait list should be given appointment order. The appointment orders as per the select list

itself were issued to the selected candidates after lapse of one year of the publication of the select list. As such, now respondents cannot turn around and take such a plea. Even appointment to the second candidate was given subsequent to the appointment been given to the first candidate who did not join the post and within two months of the appointment order given to the selected candidate the petitioner had applied, as the selected candidate had not joined. The respondents thus are not taking consistent stand. For issuing appointment orders to the candidates as per the select list they issued appointment order after lapse of one year of select list being published and now while considering case of the petitioner for appointment the stand of lapse of one year of the publication of the select list is taken. The same would be contrary to their own action.

6. Considering the above, the respondents shall consider to appoint the petitioner on the post for which the petitioner was kept in the wait list, if there is no other legal impediment and shall not refuse to consider his case only on the ground that, select list had lapsed. The same be considered expeditiously and preferably within a period of three (03) months from today. The writ petition is disposed of. No costs.

**[ K. L. WADANE, J. ]**

**[ S. V. GANGAPURWALA, J. ]**