

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3347 OF 2015

Mangesh P. Ugale,
R/o. Padol, Taluka Jalgaon (Jamod),
District Buldhana 443 403. ...Petitioner.

Vs.

1. Deputy Director,
Vocational Education and Training,
Registered Office Trimbaknaka,
Near Adhiwasi Vikas Bhawan,
Old Agara Road, P.O.No.456,
Nashik-2.

2. Ravindra Tukaram Ugale,
P.O. Padalne, Tal. Akole,
District Ahmednagar-422 604.

3. State of Maharashtra,
Through its Department of Social
Justice and Development, Mantralaya,
Mumbai 400 032.

..Respondents.

Mr. Abhijeet Desai with Ms. Vrushali Maindad for the
Petitioner.

Mr. V.N.Sagare, AGP. for Respondent Nos. 1 to 3.

CORAM : ANOOP V. MOHTA &
A.S. GADKARI, JJ.

DATE : 13th December, 2016

ORAL JUDGMENT: (Per ANOOP V. MOHTA, J.)

1. Rule, returnable forthwith.
2. Heard the learned counsel appearing for the parties.
3. The petitioner has challenged the order passed by the Maharashtra Administrative Tribunal (The Tribunal) dated 15.1.2015 whereby after hearing the parties the learned Tribunal rejected the original application mainly on the ground that the life of waiting list has expired even at the time of passing of the order and in fact even prior to the filing of the petition. There is no dispute on this fact. The challenge was raised about the appointment of respondent No.2 in the present petition who was at Sr.No.8 though as stated the petitioner was at Sr.No.7 in the waiting list. The learned Tribunal however, rightly recorded that the said respondent was appointed was not made party in the original application. This writ petition itself cannot change the position of fact as declared by the Tribunal.
4. We have also noted that the petitioner belongs to OBC category whereas the present person appointed (Sr.No.8) who is respondent No.2 in the present petition is belongs to ST category. The concerned department by taking into consideration the scheme of reservation given preference to such candidate and therefore, there is no

infirmity in the order/action.

5. After hearing the parties and even otherwise, the reasons given by the learned Tribunal are well within the frame work of law and the record. We see no perversity to interfere the impugned order under Article 226 of the Constitution of India.

6. Therefore, taking over all view of the matter, petition is dismissed. No costs.

(A.S.GADKARI, J.)

(ANOOP V. MOHTA, J.)