

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8679 OF 2013**

Shri. Jamir Abdul Metkari .. Petitioner
V/s.
State of Maharashtra and ors. .. Respondents.

Mr. Ajit Kenjale for the Petitioner.
Mr. N.P. Deshpande, Addl. G.P. for the Respondent-State.

**CORAM: DR. MANJULA CHELLUR, C.J.
AND M.S.SONAK, J.**

DATE : 30 AUGUST 2016.

P.C.

1] The petitioner claims to belong to the category of '*backward class*' and a person with disability to the extent of 45%.

2] In pursuance of advertisement dated 1 October 2010 issued by the respondents, the petitioner applied for the post of Craft Instructor and Diesel Mechanic. It is the petitioner's case that upon completion of selection procedure, the petitioner was in fact selected. However, since appointments were to be made to vacancies, as and when they arose, no appointment order was actually issued to the petitioner. The petitioner, therefore, made several representations to the respondents seeking appointment to the post of Craft Instructor and Diesel Mechanic. It is the case of the petitioner that such representations remain un-responded,

even though there are vacancies against which the petitioner deserves to be appointed, in pursuance of his selection.

3] Based upon the aforesaid contentions, the petitioner by way of present petition, seeks following substantive reliefs.

“(a) This Hon'ble Court may be pleased to direct the Respondent no.2 to decide the application of the Petitioner dt.1.6.2013, thereby to give appointment letter to the Petitioner for the Post of the Craft Instructor (Shilp Nideshak) Diesel Mechanic available at Respondent No.4 Institution at Tasgaon Tal. Tasgaon, Dist. Sangli.

In the Alternative

(b) This Hon'ble Court may be pleased to direct the Respondent no 1 to 3, to accommodate the Petitioner in the any of the Institutions of the Respondent's in Pune Region having available the post of Craft Instructor (Shilp Nideshak) Diesel Mechanic.

(c) This Hon'ble Court May be pleased to direct the Respondent No.4 to decide the Petitioner's Application dt.1.6.2013 as expeditiously as possible.

(d) costs of this Writ Petition be provided for;

(e) pass such other and further reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

4] At this stage, there is obviously no case made out to grant of any reliefs in terms of prayer clause (b) of the petition. However, consistent with the reliefs claim for in prayer clauses (a) and (c),

directions can be issued to the respondents to consider the petitioner's representation dated 1 June 2013, as expeditiously as possible and in accordance with law. Further, the petitioner can also be granted liberty to make further representation within two weeks from today, as, according to the learned counsel for the petitioner, additional vacancies have arisen in the meantime, against which, the case of the petitioner may be considered for appointment.

5] Accordingly, we dispose of this petition with the following order.

A] The petitioner is granted liberty to make an additional representation within two weeks from today to the respondents;

B] The respondents are directed to consider the petitioner's representation dated 1 June 2013 as also additional representation as expeditiously as possible and in any case within a period of six weeks from the date of receipt of additional representation;

C] The decision upon the aforesaid representations to be communicated to the petitioner at the address, which the petitioner indicates in his additional representation; and

D] The respondents to consider the aforesaid representations, in accordance with law and on their own merits. Nothing in this order could be treated as expression of opinion of merits.

6] The petition is disposed of in the aforesaid terms.

7] There shall however, be no order as to costs.

(CHIEF JUSTICE)

(M.S.SONAK, J.)