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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION No.8534 OF 2014

Shri Vaijinath Dnyanoba Partapure and Ors.Petitioners

Vs.

***The District Collector,
Ratnagiri and Ors.***

....Respondents

Mr. Shailesh A. Chavan for Petitioners
Mr. C. P. Yadav- AGP for Respondent -State

***CORAM : V. M. KANADE &
M.S. SONAK, JJ.***

DATE : JULY 4, 2016

P.C. :

1. Heard the learned counsel appearing on behalf of the Petitioners and the learned AGP for the State.

2. The Petitioners are aggrieved by an order dated 2.5.2014 passed by the Maharashtra Administrative Tribunal, dismissing their Original Application. The Petitioners are admittedly the earthquake affected

persons from Osmanabad District. The Government had issued a GR on 27.10.2008 in which, it was clarified that the Earthquake Affected Persons would be treated at par with Project Affected Persons and they also would be eligible to get benefit of reservation within 5% reservation in Group C and D posts in Government service for the Project Affected Persons. The Petitioners, accordingly, sent their documents and claimed that they are entitled to be appointed without competing with the candidates from the open category. Their application, however, rejected by relying on the subsequent G.R. dated 27.10.2009.

3. We have perused the impugned order passed by the Maharashtra Administrative Tribunal. The Tribunal has given cogent reasons while not accepting the contentions of the Petitioners. The Tribunal has also relied on the judgment of the Aurangabad Bench of this Court in Writ Petition No. 7472 of 2007 dated 31.3.2008, in which, it was held that such persons cannot be appointed directly without competing with the open market candidates. The Petitioners, admittedly did not compete with the other candidates in the selection process which was commenced

after issuing the advertisement on 21.11.2009. Hence, we do not see any reasons to interfere with the impugned order passed by the MAT. We, however, direct the State Government to permit the Petitioners to compete again, if they are not age bar and consider their application in accordance with law. With these directions, the writ petition is disposed of.

M.S. SONAK, J.

V.M. KANADE, J.