

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 10485 OF 2016**

Dr. Shaikh Lalmeeya Sharif

....Petitioner

Vs.

City and Industrial Development
Corporation of Maharashtra Limited.

....Respondents.

Mr. Abhijeet A. Joshi for the Petitioner.

Mr. Ajay Khaire i/by The Law Point for the Respondents.

**CORAM : ANOOP V. MOHTA AND
G.S. KULKARNI, JJ.**

DATE : 19 OCTOBER 2016.

ORDER:-

Heard Mr. Joshi, the learned counsel appearing for the Petitioner and Mr. Khaire, the learned counsel appearing for the Respondent.

2 The Petitioner, who is in service of the Respondent -CIDCO and presently holding a post of Statistician, has approached this Court challenging the recruitment process commenced by the Respondent under advertisement dated 4 April 2016, to the post of Senior Statistician.

3 There is no dispute that the Respondent can fill up the post
of Senior Statistician either by promotion, deputation and/or direct
recruitment, which may be decided by the Management. In the
present case, the Respondent has decided to choose the mode of direct
recruitment and in pursuance to the said decision, has issued an
advertisement dated 4 April 2016.

4 Admittedly, the Petitioner has participated by submitting
an application for this direct recruitment. The Petitioner having
participated, definitely is estopped from assailing the selection process
under the advertisement. The law, in that regard, is well settled.
However, the contention of the Petitioner is that this direct
recruitment procedure undertaken, is required to be cancelled and
revoked only because the Petitioner who is a departmental candidate
and qualifies for the requirements, to be appointed to the said post of
Senior Statistician by adopting the method of promotion. We are not
impressed with this submission. It is for the Respondent-Management
to adopt the appropriate mode. Reliance on behalf of the Petitioner to
a decision taken on 1 March 2016, may also not be relevant inasmuch,
as the advertisement in question is issued much after the so called

decision of 1 March 2016, which the Petitioner intend to rely.

5 In any event, the Petitioner cannot dictate the Respondent the method and manner in which the post of Senior Statistician is to be filled, when the rules in that regard are clear. It is completely the authority and power of the Respondent-Management to initiate an appropriate action as per rules. If the Respondent intend to fill up the said post by promotion, definitely the Petitioner is one of the candidates and in that regard the rights of the Petitioner remain intact.

6 In view of the above discussion, we find no merit in the Writ Petition. It is accordingly rejected. No costs.

7 At this stage, Mr. Joshi, the learned counsel appearing for the Petitioner, makes statement that the representation has been made by the Petitioner and that the same be considered by the Respondents. If such a representation is made, the same be considered by the Respondent, in accordance with law.

(G.S. KULKARNI, J.)

(ANOOP V. MOHTA, J.)