

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

WRIT PETITION NO.11395 OF 2016

Vasudev Shanwar Jadhav and anr. : Petitioners.

versus

**M.S.R.T.C. Corporation
Through Divisional Controller,
Palghar Division, Palghar and anr. : Respondents.**

Ms. Prabha Badadare for the Petitioners.

Mr. G S Hegde for the Respondents.

CORAM : R. M. SAVANT, J.

DATE : 06th October 2016

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 03/09/2016 passed by the learned Member of the Industrial Court, Thane by which order the Application (Exhibit U-2) filed by the Petitioners for interim relief came to be rejected.

2 The Petitioners are the original Complainants in Complaint (ULP) No.203 of 2016 which has been filed by them aggrieved by the action of the Respondents in not selecting them for appearing for the departmental examination for the post of Assistant Traffic Inspector in Palghar Division of the MSRTC. The said Complaint has been filed under Item 5 and 9 of Schedule IV of the MRTU and PULP Act, 1971. The MSRTC had issued circular dated 20/07/2015 calling upon the applications from the departmental candidates

for appearing at the departmental examination to be held for the two posts of Assistant Traffic Inspector out of which one was for open category and one post was reserved. The Petitioners it seems were selected for appearing in the said examination. It seems that on account of the response to the said circular dated 20/07/2015, not being on the expected lines, the MSRTC once again issued a fresh circular dated 08/07/2016 again calling for the applications for appearing at the departmental examination. Pursuant to the said exercise carried out, four candidates who were senior to the Petitioner were selected for appearing at the said examination.

3 In the said Complaint the Petitioners had filed the instant Application (Exhibit U-2) for interim relief for staying the said departmental examination, pending the Complaint. The said relief has been rejected on the ground that the examination is already over and that the results were awaited. The learned Member of the Industrial Court has accordingly by the impugned order dated 03/09/2016 rejected the said Application (Exhibit U-2).

4 The learned counsel for the Petitioners would contend that pursuant to the first circular dated 20/07/2015, the Petitioners were amongst the 4 candidates who were selected for appearing at the said departmental examination and therefore there was no warrant for the MSRTC to issue fresh circular dated 08/07/2016. The learned counsel would contend that the

exercise carried out by the MSRTC of selecting the candidates on the basis of the fresh circular is illegal.

5 It is not possible to accept the aforesaid contentions of the learned counsel for the petitioners as the Petitioners had no vested right nor any right was created in the Petitioners on them being merely selected for appearing at the departmental examination in terms of the first circular dated 20/07/2015. The MSRTC as an employer was within its right to issue fresh circular dated 08/07/2016 to cast the net-wider in so far as the said selection is concerned. As indicated above, pursuant to the said circular dated 08/07/2016, four candidates who are senior to the Petitioners have been selected for appearing at the departmental examination. The Petitioners obviously cannot have grievance about the same. In that view of the matter, no case for interference in the writ jurisdiction of this Court is therefore made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]