

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2999/2016

(Mangesh s/o Khushal Atram vs. The Director, National Fire Service College, Nagpur)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Ms. Varsha Wasu (Dhoble) Advocate for the petitioner

**CORAM : SMT. VASANTI A.NAIK &
MRS.SWAPNA JOSHI, JJ.**

DATED : 17th June, 2016

Heard.

By this Petition, the petitioner seeks a direction to the respondent to appoint the petitioner on the post of Driver. In the alternate, the petitioner seeks a direction to consider the candidature of the petitioner for the post of Driver, on priority basis.

The relief sought by the petitioner cannot be granted. The petitioner had worked as a Driver on ad-hoc basis, from 30.6.2003 to 4.6.2004 by separate appointment orders, appointing him only for a period of 89 days and 29 days etc. It is the case of the petitioner that when the posts of Driver were advertised in the year 2004, the petitioner was eligible for appointment and he had applied for the said post. Since it was the case of the petitioner that the candidature of the petitioner was wrongfully denied, the petitioner had

approached the Central Administrative Tribunal by filing an Original Application. Since there are vacancies for the post of Driver with the respondent, the petitioner has filed this Writ Petition.

Merely because the petitioner had worked as a Driver on *ad-hoc* basis, from time to time, for a period of one year in 2003 to 2004, the petitioner cannot seek his appointment though he is over-aged and is not entitled to participate in any selection process. Age relaxation cannot be granted in favour of the petitioner merely because he temporarily worked as a Driver for one year. The petitioner cannot approach this Court, simpliciter for a direction that the respondent should appoint the petitioner as Driver, on priority when no selection process is undertaken by the respondent. Even if the petitioner applies for the post of Driver and his claim is rejected, it would be necessary for the petitioner to approach the Tribunal and not directly file a Writ Petition seeking his appointment.

In view of the aforesaid, we dismiss the Writ Petition, with no order as to costs.

JUDGE

JUDGE

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