

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION No. 836/2016.

Vinod Bhaurao Karlekar

-VERSUS-

The State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
& A.S. CHANDURKAR, JJ.

DATE : OCTOBER 01, 2016.

Heard finally with consent of Shri N.S. Warulkar, learned Counsel for the petitioner, Shri N.S. Rode, learned A.G.P. for respondent nos. 1 and 2 and Shri M.M. Sudame, learned Counsel for respondent no.3.

2. Question is – For how many posts recruitment process was conducted by the Zilla Parishad in February, 2015 ?

3. According to the petitioner 4 posts in open category were available and recruitment process was initiated and conducted for that purpose. It is further

2

submitted that, petitioner who has secured 102 marks and stood at Sr. No.3 in the select list ought to have been appointed against available vacancies.

4. Learned A.G.P. appearing for respondent nos. 1 and 2 points out that respondent no.2 has already rejected similar representation of petitioner, and that order is questioned before this Court. According to him, prima facie recruitment was conducted to fill up 2 posts from open category.

5. Learned counsel appearing on behalf of respondent Zilla Parishad fairly invites attention to some over writings in the position of vacancies available as on 31.12.2014. He states that total number of vacancies are shown as 16, by carrying out some correction. Similarly, at the bottom of the chart, again figure 4 has been corrected. He therefore, submits that some disputed questions arise and the same can be looked into conveniently by respondent no.2, after perusal of records.

6. The records with Zilla Parishad, who has conducted competitive examination will show the posts for which examination was conducted. Here, though name of petitioner has been shown in the

3

select documents, two candidates who have secured more marks than him are shown to be selected. Against name of petitioner the word “selected” does not appear. However, against name of one Utkarsh Tode, who has also secured 102 marks, the word “select” appears. He has been selected from Scheduled Caste category.

7. We therefore, find that some disputed questions arise in the matter. Hence, we quash and set aside the order dated 17.12.2015 passed by respondent no.2 and direct the said respondent no.2 to peruse records on the basis of which selection process was carried out and take appropriate decision afresh in the matter. The decision on representation of petitioner shall be taken within 8 weeks from today, after extending an opportunity of hearing to petitioner as also respondent no.3 Zilla Parishad.

8. In view of above, Writ Petition is partly allowed and disposed of. No costs.

9. At this stage, it is pointed out that to fill in available vacancies, fresh examination has been conducted in the year 2016 and petitioner herein has also participated in it. If the petitioner is not selected

and appointed, and some body else gets the post, challenge as posed may be rendered infructuous. In view of this, we direct that one post from open category shall not be filled in till respondent no.2 passes fresh orders on the representation of petitioner.

JUDGE

JUDGE

Rgd.

CERTIFICATE

I certify that this judgment/order uploaded is a true and correct copy of original signed judgment/order.

Uploaded by : R.G. Dhuriya. Uploaded on : 03.10.2016
Pvt. Sec.