

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

WP No. 1320 of 2016
Prakash v. The Collector, Bhandara and ors

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

Court's or Judge's orders

Shri A. R. Prasad, Advocate for petitioner

CORAM : SMT VASANTI A. NAIK AND
V. M. DESHPANDE, JJ

DATED : 10th March 2016

Heard. By this writ petition, the petitioner challenges the enquiry report, dated 24.6.2013 as also the selection process for filling the post of clerk in Gram Panchayat, Lakhandur.

An advertisement appears to have been issued by Gram Panchayat, Lakhandur sometime in the year 2012 inviting applications for appointment on the post of clerk. The petitioner had applied for the said post along with the other candidates including the respondent no. 5. The candidates were called for oral interview on 25.12.2012. According to the petitioner, since some irregularities were alleged in respect of the selection process, an enquiry was conducted in the said matter and the Extension Officer, Panchayat Samiti, Lakhandur submitted the report on 24.6.2013, that the selection procedure was transparent and there were no illegalities/ irregularities found in the selection procedure. The petitioner has impugned the report dated 24.6.2013 and as a consequence thereof, the appointment of

the respondent no. 5 by filing the writ petition on 4.2.2016.

The writ petition is liable to be dismissed for more reasons than one. The petition is hit by latches. The selection procedure was conducted in the year 2012. The appointment of the respondent no. 5 was made three years earlier. The enquiry report was also prepared by the Extension Officer, Panchayat Samiti, Lakhandur more than 2 and half years earlier. The said report is being challenged by the petitioner by the instant petition. The case of the petitioner that the petitioner was not aware of this report also shows that though there was an enquiry in the matter of selection process, but the petitioner was not diligent in pursuing his case. Also, we find that the petitioner has secured lesser marks than the respondent no. 5, inasmuch as the respondent no. 5 has secured **86** marks whereas the petitioner has secured **80** marks. Also, the said marks are not awarded only on the basis of one test, but three tests were conducted to consider the merit of the candidates. Since the respondent no. 5 was found superior in merit, the respondent-Gram Panchayat rightly selected the respondent no. 5 for appointment on the post of clerk.

Since there is no merit in the petition, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE