

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

WRIT PETITION NO.2175 OF 2016

Mahesh S/o Laxmanrao Banarase

-VS-

The State of Mah., and anr

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

Court's or Judge's Orders.

Mr.N.R. Saboo, counsel for the petitioner.
Mr.P.S. Tembhare, AGP for the R-1 & 2.

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

DATE : APRIL 6, 2016.

By this writ petition, the petitioner challenges the order of the Maharashtra Administrative Tribunal, dated 11.12.2015, dismissing the original application filed by the petitioner.

The petitioner had applied for the post of junior clerk-cum-typist in pursuance of an advertisement issued by the Collector, Amravati. The name of the petitioner was included in the waiting list. Only one post was advertised for the sports persons from the Open Category. The petitioner had applied for the said post. Shri Amol Suradkar was selected and appointed on the said post. Shri Suradkar joined on the post of clerk-cum-typist that was earmarked for the sports persons from the Open Category, but he resigned the job as he was appointed as a Talathi. The petitioner sought his appointment on the vacancy that was caused due to the appointment of Shri Suradkar as a Talathi. The request of the petitioner was not favourably considered by the respondents and hence, the petitioner filed the original application. The original application was dismissed by the

impugned order.

On hearing the learned counsel for the parties, it appears that the Tribunal was justified in dismissing the original application filed by the petitioner. While dismissing the original application, the Tribunal relied on the law laid down by the Honourable Supreme Court in the judgments reported in AIR 2013 SCC 3580, 2004 Supl.(3) SCC 1984, AIR 2010 SCC 932, AIR 2001 SCC 2900 and AIR 2009 SCC 747. The Tribunal rightly relied on the said judgments to hold that the life of the select list got exhausted on the appointment of Shri Suradkar on the post of junior clerk-cum-typist that was earmarked for the sport persons in Open Category and the vacancy arising due to the resignation of Shri Suradkar could not have been filled from the select list or waiting list. The Tribunal held that once the appointments are made against the advertised post, the select list gets exhausted and the candidates placed before the last appointee cannot claim appointment against the post that subsequently became available.

Since the judgment of the Tribunal is based on the judgments rendered by the Honourable Supreme Court in the aforesaid cases, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE