

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

WRIT PETITION NO.2227/2016

Sanghratna s/o Mukund Kumbhare

...Versus...

State of Maharashtra, through its Secretary, Department of General
Administration, Mantralaya, Mumbai-32 and another

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

Court's or Judge's orders

Shri H.M. Bobade, Advocate for petitioner
Shri N.H. Joshi, AGP for respondent no.1

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

DATE : 12.04.2016

By this writ petition, the petitioner seeks a direction to the respondent no.2 – Maharashtra Public Service Commission to recommend the case of the petitioner for appointment on the post of Civil Judge (Junior Division) and Judicial Magistrate First Class.

It is the case of the petitioner that the petitioner had applied in pursuance of the process initiated by the respondent no.2 – M.P.S.C. for selection and appointment of the candidates for the post of Civil Judge (Junior Division) and Judicial Magistrate First Class. In all, the names of 227 candidates were recommended by the M.P.S.C. for appointment on the said post. The petitioner was placed at serial no.273 in the merit list and hence, the name of the petitioner was not recommended. The

M.P.S.C. then issued an advertisement inviting applications for appointment on the post of Civil Judge (Junior Division) in the year 2016. The petitioner has applied in terms of the said advertisement. It is the case of the petitioner that there is a violation of the provisions of Rule 6 of the Maharashtra Judicial Service Rules, 2008 inasmuch as the information about the existing vacancies and the vacancies that are likely to occur within a period of one year in the post of Civil Judge (Junior Division) is not given to the recruiting authority before 15.1.2016. It is stated that the provisions of Rule 6 of the Rules have not been complied with and the existing and the proposed vacancies are not brought to the notice of the recruiting authority i.e. respondent no.2 on or before 15.1.2016.

It is already held by this Court in Writ Petition No.1290/2014 by the order dated 16.9.2014 that the provisions of Rule 6 of the Maharashtra Judicial Service Rules, 2008 are not mandatory in nature. It is held that the selection process initiated for recruitment of the Civil Judges (Junior Division) and the District Judges shall not be vitiated only because the recruiting authority is not informed about the vacancies before the cut off date. Since no other point is canvassed on behalf of the petitioner in the instant petition, the writ petition is liable to be dismissed. Hence, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE