

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

WRIT PETITION NO. 3296 OF 2016

Dhiraj Raghunath Pakhidde

-vs-

Maharashtra State Power General Co. Ltd. and another

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

Court's or Judge's Orders.

Mr. M.V.Mohokar, counsel for the petitioner.

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

DATE : 15.06.2016.

By this writ petition, the petitioner seeks a direction to the respondents-Maharashtra State Power Generation Company Limited to consider appointing the petitioner on the post of Driver by nomination in view of the Recruitment Rules, dated 01/07/1972. In the alternative, the petitioner seeks a direction to the respondents to provide reservation for the Project Affected Persons in the advertisement, dated 01/06/2016.

The petitioner claims to be a Project Affected Person and further claims that he possesses a Project Affected Person's certificate. It is the case of the petitioner that the petitioner had approached the respondents time and again for his appointment on the post of Driver on the basis of the certificate. According to the petitioner, he was informed by the respondents that the claim of the petitioner would be considered as and when an advertisement would be issued by the respondents for recruitment of Drivers. It is the case of the petitioner that on 01/06/2016, the respondents have published an advertisement for appointing 18 drivers in the respondents-Company. According the petitioner, at least one of the posts of Driver ought to have been earmarked for the Project Affected Person. In any case, according to the petitioner, the petitioner could be appointed directly on the post of

Driver on the basis of the certificate possessed by him in view of the Recruitment Rules, dated 01/07/1972.

The relief sought by the petitioner cannot be granted, in the circumstances of the case. The policy of the respondents, dated 01/7/1972 in respect of making direct appointment on the basis of the Project Affected Person's certificate has been watered down by the law laid down by this Court in the judgment, reported in 2009 (4) Mh.L.J. 961 (Rajendra Pandurang Pagare and another v. State of Maharashtra and others) and followed by this Court continuously thereafter. A direction cannot be issued against the respondents-Company to directly appoint the petitioner on the post of Driver, without competition, on the basis of the Project Affected Person's Certificate. The submissions made by the petitioner in this regard are liable to be rejected.

The claim of the petitioner that the respondents ought to have earmarked at least one post for the Project Affected Person is also liable to be rejected. Only 5% posts could be earmarked for Project Affected Persons. In the previous advertisement issued by the respondents-Company, out of 154 posts, 8 posts were earmarked for the Project Affected Persons. In the instant case, since the posts advertised are less than 20, no post could have been earmarked for the Project Affected Person. We, therefore, do not find any merit in the submission made on behalf of the petitioner that the respondents-Company committed any illegality in not reserving a post of Driver for the Project Affected Person in the advertisement, dated 01/06/2016.

Since none of the prayers made on behalf of the petitioner could be granted, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE