

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

WRIT PETITION NO.4945/2016

Maharashtra Rajya Zilla Parishad Vistar Adhikari Arogya/Arogya Paryavekshak
(Vistar) Sanghatana, Buldhana, through its General Secretary, Shri Kishor
Pundlik Lahane

...Versus...

The State of Maharashtra, through the Secretary to the Govt. of Maharashtra,
Public Health Department, Mantralaya, Mumbai – 32 and others

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

Court's or Judge's orders

Shri A.M. Sudame, Advocate for petitioner
Shri I.J. Damle, AGP for respondents

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

DATE : 09.12.2016

By this petition, the petitioner – Sanghatana seeks a direction against the respondents to fill the posts of Child Development Officers from the cadre of Health Supervisor Extension immediately.

Shri Damle, the learned Assistant Government Pleader appearing for the respondents states that the vacancies are required to be filled after the process for filling up the vacancies is initiated by the Maharashtra Public Service Commission. It is stated that as and when the process is initiated, the members of the petitioner – Sanghatana can apply. It is stated that a direction may not be issued to the respondents to immediately fill up the posts.

We find much force in the submission made on behalf of the respondents that this Court should not direct the respondents to fill up the vacant posts immediately. Merely because the posts are vacant in some of the Departments of the Government, a direction cannot be issued against the Government to fill the posts immediately. In this case, the respondents have stated that they would fill up the posts in the near future through the Maharashtra Public Service Commission. If that is so, it would all the more be necessary to reject the prayer made in the writ petition.

In the circumstances of the case, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar