

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

WRIT PETITION NO.5908/2015

Nayan s/o Nanasaheb Nannware

...Versus...

The State of Maharashtra, General Administration Department, through its
Secretary, 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 N.B. Kalwaghe, Advocate for petitioner
Shri N.S. Khubalkar, AGP for respondent nos.1 and 2

CORAM : SMT. VASANTI A. NAIK AND
A. S. CHANDURKAR, JJ.

DATE : 13.01.2016

By this petition, the petitioner seeks a declaration that the petitioner is entitled to be appointed on the post of Junior Engineer. A direction is sought against the respondent – Zilla Parishad to appoint him on the post of Junior Engineer.

In pursuance of the Government Resolution, including the Maratha Caste in 'Educationally and Socially Backward Class' i.e. ESBC reservation, the petitioner had applied for the post of Junior Engineer in the Zilla Parishad. However, the Government Resolution, dated 15.7.2014 was stayed by this Court at the Principal Seat. In view of the stay granted to the Government Resolution dated 15.7.2014, the Government issued a Resolution on 21.2.2015, protecting the appointments and admissions made in the ESBC category. The Government, however, decided that

except for the admissions or appointments that were already made, the ESBC candidates cannot be admitted or appointed on the basis of the said reservation, in view of the stay granted by the High Court.

In view of the aforesaid, the petitioner cannot have a right to be appointed on the post of Assistant Engineer in the Zilla Parishad, in view of the inclusion of his name in the select list as he is not appointed on the said post. In view of the stay granted by the High Court to the Government Resolution dated 15.7.2014 and in view of the Government Resolution dated 21.2.2015, the petitioner would not have any right to be appointed.

We, therefore, dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar