

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

**WRIT PETITION NO.6675/2016**

**Chandiram Fattechand Bhagwani**

**...Versus...**

**Law and Judiciary Department, Mumbai – 400032 through its Principal**  
**Secretary and Remembrancer of Legal Affairs, Government of Maharashtra and**  
**another**

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

Court's or Judge's orders

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Petitioner-in-person  
Mrs. B.H. Dangre, GP for respondents

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

**DATE : 01.12.2016**

By this petition, the petitioner challenges the appointment of the Assistant Government Pleaders and the Additional Public Prosecutors on the ground that the candidates were meritless and the appointments were arbitrary and illegal.

The Law and Judiciary Department of the State of Maharashtra had published an advertisement in March, 2015, inviting applications in prescribed form from the eligible candidates for appointment as Government Pleader, Public Prosecutor, Additional Government Pleader and Assistant Government Pleader. The eligibility criteria for appointment was mentioned in the advertisement. In pursuance of the advertisement, the petitioner as well as several other lawyers, who held a degree in Law and were enrolled as Advocates with at least 10 years of practice, applied for the advertised posts. After

screening the applications, an Interview Committee comprising of the acting Advocate General and the Joint Secretary, Law and Judiciary Department was constituted. By two separate orders, dated 7.11.2015 and 4.7.2016, the appointment of the Assistant Government Pleaders and the Additional Public Prosecutors were made. The petitioner has impugned the appointments made by the respondents.

Shri Bhagwani, the petitioner, who appears in person, submitted that the respondents have arbitrarily and illegally made the appointments of the Assistant Government Pleaders and Additional Public Prosecutors. It is stated that some candidates, who had secured more marks, are not appointed as Assistant Government Pleaders, whereas some candidates with lower marks are included in the lists of the appointees. It is submitted that it is not known whether the Assistant Government Pleaders, whose tenure was not complete and who were working as Assistant Government Pleaders in the High Court, had appeared at the interview or not, though they had applied for their appointment as Assistant Government Pleaders. It is submitted that the respondents have issued two separate lists and in the mark-list of the candidates, that was supplied to the petitioner, under the Right to Information Act, the names of the Assistant Government Pleaders, whose tenure was not complete, are not included.

Mrs. Dangre, the learned Government Pleader submitted that the petitioner is not justified in submitting that the candidates appointed to the post of Assistant Government Pleaders do not have merit and that their appointment is made arbitrarily. It is submitted that all the applicants including the applicants that were then working as Assistant Government

Pleaders and their tenure was not complete had appeared before the Interview Committee and they were duly interviewed. It is submitted that all the Assistant Government Pleaders that were earlier working were interviewed and all of them are not reappointed by the order, dated 4.7.2016. It is stated that the names of the applicants that had secured marks between 10 to 20 were recommended to the State Government and the State Government then decided to appoint the Assistant Government Pleaders vide two lists, dated 7.11.2015 and 4.7.2016. It is stated that the petitioner has secured less than 10 marks and the petitioner cannot effectively question the appointment of the other meritorious candidates. It is stated that at the relevant time, the petition was pending before the Aurangabad Bench of the Bombay High Court, wherein a question came up for consideration whether the Assistant Government Pleaders, whose tenure was not complete, could again subject themselves for the interview and hence, a separate list of such Assistant Government Pleaders, who were then serving as such, was prepared by the Interview Committee and the names of only such Assistant Government Pleaders that had secured more than 10 marks were recommended to the State Government. It is stated that the appointments are made strictly in accordance with law and the procedure adopted by the respondents in making the appointments is not arbitrary or discriminatory.

We do not find any merit in the submission made by the petitioner that the appointments are made by the State Government arbitrarily and the Assistant Government Pleaders that are appointed by the two orders do not possess merit. It appears from the submission made on behalf of the respondents

and the documents annexed to the writ petition that a list of the applicants that had secured more than 10 marks was recommended to the State Government for appointing the applicants from amongst them. It appears that the petitioner has secured less than 10 marks. If that is so, the petitioner cannot effectively challenge the appointment of the other applicants that had secured more than 10 marks, as per the marks awarded by the Interview Committee. The learned acting Advocate General was one of the members on the two member Interview Committee and it appears that marks are allotted to the applicants on the basis of their merit. There is no merit in the submission made by the petitioner that the Assistant Government Pleaders, whose tenure was not complete at the relevant time, did not subject themselves for the interview. It is pointed out by the learned Government Pleader that all the Assistant Government Pleaders that were then serving as such, also subjected themselves for the interview and marks are awarded to them and only the Assistant Government Pleaders, who have secured more than 10 marks, have been reappointed as Assistant Government Pleaders. In the circumstances of the case, we do not find any merit in the submissions made by the petitioner for challenging the appointments. Both the submissions made by the petitioner are devoid of merit and the petition is liable to be dismissed.

Hence, we dismiss the writ petition with no order as to costs.

**JUDGE**

**JUDGE**