

**IN THE HIGH COURT OF JUDICATURE AT
BOMBAY
BENCH AT AURANGABAD.**

**WRIT PETITION NO.489 OF 2016
WITH
CIVIL APPLICATION NO.11505 OF 2016**

Sumedh S/o Vitthalrao
Sonkamble ... Petitioner.

Versus

The State of Maharashtra
and another ... Respondents.

...

Mr.V.V.Deshmukh, advocate for the petitioner.
Mr.A.P.Basarkar, A.G.P. for the State.

...

**CORAM : S.V.GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

Date : 17.04.2017.

PER COURT :

1. Heard.

2. The petitioner assails the communication issued to the petitioner, thereby negating the recommendation to the post of

Civil Judge (J.D.) and Judicial Magistrate, First Class.

3. It is accepted by the learned counsel for the petitioner that after the selection process in which the petitioner had participated, fresh advertisement has been issued and fresh selection has been done. The selection list as it is would be valid for one year.

4. In view of that, contention of petitioner on merits would be only academic.

5. Even otherwise on the date when the Administrative Committee had considered the case of the petitioner, the Criminal case against the petitioner was pending and the charge-sheet was also filed. The petitioner it appears has been acquitted subsequently. There was no occasion for the Administrative Committee to consider the grounds of acquittal. We also would not be required to go into the same as it would be only academic. The said selection list would not survive now as fresh selection process is also

conducted.

6. In case the petitioner again appears for the selection for the post of Civil Judge (J.D.) and Judicial Magistrate First Class, naturally, the same would be considered afresh and the Administrative Committee would certainly consider the acquittal in favour of the petitioner so also the grounds of acquittal. Mr.Deshmukh, learned counsel submits that the acquittal in the Criminal case is honourable acquittal and is not only on benefit of doubt.

7. The Writ Petition is disposed of. No costs.

8. In view of disposal of Writ Petition, the Civil Application also stands disposed of.

(SANGITRAO S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

