

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO. 1625 OF 2016

1. Ambhore Vinod Dutta,
Age 29 years, Occu. Nil,
R/o. Hiwarpen, Tq. Risod,
District - Washim. **....Petitioner.**

Versus

1. The State of Maharashtra
Through The Secretary
Rural Welfare and Panchayat
Raj Department, Mantralaya,
Mumbai.
2. The Collector/President,
District Selection Committee,
Beed, Tq. Beed, District Beed.
3. Chief Executive Officer,
Zilla Parishad, Beed,
Tq. Beed, District Beed.
4. Deputy Director,
Health Services (Malaria, Filaria,
Waterborn) Pune. **....Respondents.**

Mr. Sayyed Tauseef Yaseen, Advocate for petitioner.

Mr. A.R. Kale, A.G.P. for respondent Nos. 1,2 & 4.

Mr. P.D. Suryawanshi, Advocate for respondent No. 3.

**CORAM : T.V. NALWADE AND
SANGITRAO S. PATIL, JJ.**

DATED : March 3, 2017.

ORAL JUDGMENT :

Rule. Rule made returnable forthwith. By

consent, heard both the sides for final disposal.

2) The petition is filed for giving direction to respondent No. 3 - Chief Executive Officer, Zilla Parishad, Beed for giving the appointment to the petitioner on the post of Health Worker, Zilla Parishad, Beed in pursuance of advertisement dated 22.8.2014.

3) This Court has carefully gone through the advertisement and the advertisement shows that it was necessary for the petitioner/applicant to show that he has the experience of 90 days in respect of the work mentioned in the advertisement and the experience was obtained as temporary employee. The nature of work mentioned in the advertisement about experience is necessary as such work was available with Zilla Parishad. The petitioner produced the certificate issued by Zilla Parishad, Washim to show that he has experience of 90 days of such work and he was appointed on temporary basis in that Zilla Parishad. The petitioner had applied from reserved

category, Scheduled Caste (S.C.) and he could have been appointed as he got cleared through the process. When the verification of the experience was attempted, it was informed to respondent - Zilla Parishad, Beed by Zilla Parishad, Washim that he was on their list of temporary employees and he had worked for different periods. The periods were given in the correspondence.

4) Now, it is the contention of respondent No. 3 that the appointment of the petitioner as temporary employee in Zilla Parishad, Washim was itself illegal. It can be said that respondent No. 3 is not entitled to raise such contention as the petitioner was appointed by issuing appointment order and he was expected to work as temporary worker, on daily wages. In view of nature of advertisement, if it is possible for the petitioner to show that he had necessary experience on the date of advertisement, it is necessary for the respondent No. 3 to give him appointment, if there is no other hurdle in giving him appointment.

5) It appears that this Court, other Bench, in the past had directed on 15.4.2017 to add Deputy Director of Health Services, Pune as party respondent and the Deputy Director was expected to file reply. In view of the aforesaid nature of dispute, this Court holds that it is not necessary to hear Deputy Director, Health Services, Pune. The petitioner is expected to show that he has necessary experience as per the advertisement and he has fulfilled this condition. In view of aforesaid circumstances, this Court holds that respondent No. 3 - Chief Executive Officer, Zilla Parishad, Beed needs to be directed to give appointment to the petitioner on the post of Health Worker, if there is no other hurdle in giving him appointment.

6) In the result, the petition is allowed. The respondents are hereby directed to give appointment to the petitioner on the post of Health Worker in accordance with the advertisement which was published on 22.8.2014, if there is no other hurdle in giving

him appointment.

Rule is made absolute in those terms.

[SANGITRAO S. PATIL, J.] [T.V. NALAWADE, J.]

ssc/