

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.5505 OF 2016

Manisha d/o Uttam Maske

Petitioner

Versus

The State of Maharashtra & another

Respondents

Mr.A.M.Nagarkar, advocate for the petitioner

Mr.M.B.Bharaswadkar, A.G.P. for Respondents.

CORAM : R.M.BORDE &

A.M.DHAVAL, JJ.

DATE :26th July, 2017

PER COURT:

1 The petitioner is praying for issuance of directions to the respondents to fill in the post of Higher Education *Shikshan Sevak* for Chemistry subject and offer him letter of appointment on the basis of judgment of the Hon'ble Supreme Court in the matter of **Rajesh Kumar Daria Vs. Rajasthan Public Service Commission & others**, reported in AIR 2007 SC 3127; and in the matter of **State of J & K & others Vs. Sat Pal**, reported in (2013) 11 SCC 737 and in view of the Government Circular dated 16.03.1999.

2 The petitioner participated in the process of selection for the post of *Shikshan Sevak* in the year 2011. Initially, petitioner claimed vacancy from amongst Physically Handicapped-Scheduled Caste category, however, since the petitioner could not produce certificate that he belongs to Physically Handicapped category, his

claim was not considered. He approached this Court by filing Writ Petition No.8878 of 2014, seeking appointing as *Shikshan Sevak* for Chemistry subject. This Court, however, directed the respondents to consider the representation tendered by the petitioner in accordance with the policy prescribed by the Government. The respondents did not consider claim of the petitioner. As such, he again approached this Court by presenting another writ petition bearing W.P.No.773 of 2015. The petitioner made a grievance regarding his non selection from amongst the candidates belonging to Physically Handicapped category as well as Earthquake affected persons' category. However, this Court did not find favour with the case of the petitioner and as such, dismissed the writ petition by an order dated 21.11.2015. as well as Review Application No.155 of 2015.

3 It is noticed by us that the life of the waiting list, which was published on 12.06.2013, lapsed on completion of period of one year i.e. on 12.06.2014. It is also informed to the petitioner by the Respondent-department that the waiting list has already lapsed in the year 2014. The petitioner contends that there are vacancies available and as such, he shall be offered appointment on the basis of his placement in the waiting list of the year 2013. Request made by the petitioner cannot be considered for the reason that the life of the waiting list has already lapsed in the year 2014 and said wait list cannot be directed to be revived.

4 Reliance placed by the petitioner on the aforesaid two judgments is misplaced since the ratio laid down in the judgments cited by the petitioner is not applicable to the facts of the instant

case.

5 Writ Petition is devoid of substance and hence stands
dismissed.

A.M.DHAVALÉ
JUDGE
adb/wp550516

R.M.BORDE
JUDGE