

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

929 WRIT PETITION NO. 4744 OF 2016

SURESH RAMDAS RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Shri. S.T. Veer, Advocate, for petitioner.

Shri. A.R. Kale, Assistant Government Pleader,
for respondent No.1.

Shri. Gajajan Kadam, Advocate, for respondent
No.5.

Coram: T.V. NALAWADE &
SANGITRAO S. PATIL, JJ.

Date: 9 February 2017

ORDER:

The petition is filed to challenge the appointment order given to respondent No.5 on the post of Part-time Guest Instructor for Health and Physical Education in respondent No.4-school and also for giving direction to appoint the present petitioner on the said post. Both sides are heard.

2) Learned counsel for the petitioner is mainly relying on the Government Resolution dated 7 October 2015 issued by the concerned Department of the Government due to which this post came to be created. Learned counsel is placing reliance on one instruction given in this Government Resolution that if suitable candidate is not available in the said village other person can be appointed for the said post. Same Government Resolution also shows that there are conditions for appointment on this post and only if after scrutiny of applications made, appointment can be given. The submission made by the learned counsel for the petitioner is that as he belongs to the same village where the school is situated he is entitled to get the said post is not at all acceptable. If more candidates are available like respondent No.5 who hails from other village and if he is found more suitable, appointment can be given to such person.

3) The record of educational qualification and other things is produced and it shows that respondent No.5 is more qualified than the petitioner. In view of these circumstances this Court holds that it is not possible to interfere in the matter. The petition stands dismissed.

Sd/-
(SANGITRAO S. PATIL, J.)

Sd/-
(T.V. NALAWADE, J.)

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