

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6886 OF 2008

Nagesh Vithalrao Yelvikar,
Age 36 years, Occ. Service
R/o Plot No.90, Ashirwad Society,
Near Water Tank, Cidco, Nanded. ..Petitioner

Versus

1. The State of Maharashtra
Through its Principal Secretary
to the Department of Agriculture
and Cooperation, Mantralaya,
Mumbai.

2. Marathwada Agricultural
University, Parbhani through its
Registrar. ..Respondents

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Advocate for Petitioner : Shri C K Shinde
AGP for Respondent 1 : Shri Y.G.Gujarathi
Advocate for Respondent 1 : Shri V.G. Sakolkar
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CORAM : RAVINDRA V. GHUGE & SUNIL K. KOTWAL, JJ.
Dated: November 30, 2017
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ORAL JUDGMENT : (PER RAVINDRA V. GHUGE, J.):-

1. By this petition, the petitioner has putforth two prayers below
clause 18(B) and (C) as under:-

"(B) By writ of mandamus or any other appropriate writ or
directions in like nature the respondent No.2 be directed to
declare the result of the interview in respect of petitioner

which was conducted as per letter dated 24th December 2003.

(C) By writ of mandamus or any other appropriate writ or directions in like nature, the respondent no.2 be directed to issue appointment orders in favour of petitioner for the post of Agriculture Officer / Senior Research Assistant, if found otherwise eligible."

2. We have considered the strenuous submissions of the learned Advocates for the respective sides, as well as the learned AGP. We have also perused our order dated 1.8.2011, while admitting this petition. Learned Advocates have proceeded with this matter notwithstanding the statement made on 13.7.2017 before this Court.

3. Considering our interim order, the crystallized position of law and the fact that selection would not give a right to appointment to any employee, we have no hesitation in considering this petition to the extent of prayer clause 18(B). Unless the results of the interview and the examination process are declared, we cannot step in to the shoes of the employer and issue appointment orders, in our extraordinary jurisdiction under Article 226 of the Constitution of India.

4. Considering the above and the record available and in the light of the submissions of the litigating sides, this petition is partly

allowed in terms of prayer clause 18(B) and respondent No.2 is, therefore, directed to declare the result of the interview in respect of the petitioner and all other candidates. We make it clear that we have not expressed any opinion in favour of the petitioner, inasmuch as, we have not expressed any view as to how the establishment / respondent No.2 should deal with the process of selection and appointment at issue.

5. Rule is made partly absolute in the above terms.

(SUNIL K. KOTWAL, J.)

(RAVINDRA V. GHUGE, J.)

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akl/d