

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10703 OF 2016

Vikas Navnath Bavane,
Age 26 years, Occup. Educated
Unemployed,
R/o. Waghera Tq. Patoda Dist. Beed.
At Present : Swaraj Nagar,
Barshi Road, Beed.

...Petitioner

Versus

- 1) The State of Maharashtra,
Through its Chief Secretary,
Mantralaya, Mumbai – 32.
- 2) The State of Maharashtra,
Through The Secretary,
General Administration Department,
Freedom Fighter Cell,
Mantralaya, Mumbai – 32.

- 3) The Collector, Beed.
Dist. Beed.

...Respondents

Mr. S. K. Doke, Advocate for petitioner
Mr. S. W. Munde, AGP for respondents No.1 to 3/ State

**CORAM : S. V. GANGAPURWALA &
SMT. VIBHA KANKANWADI. JJ.**
DATE : 31-10-2017

PER COURT :

1. The learned counsel for the petitioner submits that, the

petitioner is a freedom fighter nominee. The petitioner had filed numerous applications seeking appointment in the Government employment on the basis of the Government Resolution dated 4th March, 1991. The learned counsel submits that, some of the freedom fighter nominees are directly appointed by the respondent. The petitioner is discriminated. Though the petitioner has filed applications on numerous occasions, no cognizance is taken by the respondents on the said applications. The learned counsel submits that, in advertisement also nowhere it is stated that, preference would be given to the freedom fighter nominees. The same is not in consonance of the Government Resolution dated 25th October, 2005.

2. The learned AGP submits that, no direct appointment can be made to the nominees of the freedom fighter. The petitioner has to apply pursuant to an advertisement and then as per merit it has to be considered.

3. The policy of the Government is reflected in the Government Resolution dated 25.10.2005. It lays down the details as to how the preferences to the nominees of the freedom fighter has to be given while employing persons in Class III and Class IV category. The respondents cannot be directed to give appointment to the petitioner

dehors the advertisement and the selection process, the same is impermissible. If the petitioner applies pursuant to advertisement, the Government certainly will be bound to follow the Government Resolution dated 25-10-2005, the same is also the stand reflected in the affidavit filed by the respondent No.4.

4. The Government Resolution dated 04-03-1991 would not inure to the benefit of the petitioner in view of the subsequent policy engrafted under G.R. Dated 25-10-2005.

5. Writ petition accordingly stands disposed of. No cost.

[SMT. VIBHA KANKANWADI]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

vjg/-.