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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.8436/2017

Mahesh Daulatrao Patil.

...Petitioner..

Versus

The State of Maharashtra & two others.

...Respondents...

.....

Shri C.K. Shinde, Advocate for petitioner.

Shri A.R. Kale, AGP for respondent no.1 – State.

Shri A.S. Bajaj, Advocate for respondent nos.2 & 3..

.....

**CORAM: SHANTANU S. KEMKAR &
NITIN W. SAMBRE, JJ.**

DATE: 24.08.2017

ORDER :

1] The learned counsel for the respondent nos.2 and 3 has placed on record the order of appointment dated 7.8.2017 issued in favour of the petitioner.

2] The learned counsel for the petitioner submits that the petitioner has also received the said order. However, the petitioner's grievance is that the

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appointment ought to have been made as per the merit list. The learned counsel further submits that the other candidates, who have been appointed prior to the petitioner, were much below the petitioner in the merit list and in the circumstances, the seniority list will have to be prepared as per the initial merit list and not on the basis of the date of issuance of the appointment orders. The petitioner's grievance is that he was required to file the petition and only on receipt of notice of the petition, the respondents have issued the appointment order on 7.8.2017.

3] Be that as it may. We are inclined to dispose of this petition since the petitioner has now been issued the appointment order. However, we keep all the contentions in regard to the seniority open and grant liberty to the petitioner to submit a detailed representation before the respondents / competent authority pointing out his right to claim seniority over and above those persons to whom appointment orders have been issued prior to the petitioner in spite of the fact that they were below the petitioner in the merit list. In case the petitioner submits such a representation, the

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competent authority is directed to consider the same and take appropriate decision on it in accordance with law as expeditiously as possible, but not later than three months from the date of receipt of such a representation.

4] With the aforesaid directions and liberty, the petition is disposed of. No costs.

(NITIN W. SAMBRE, J.)

(SHANTANU S. KEMKAR, J.)