

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11162 OF 2016

Manoj Shankarrao Vidhate and others .. **Petitioners**
Versus
The State of Maharashtra and others .. **Respondents**

Shri Vishwaji R. Jain (Kamboj), Advocate for the Petitioners.
Shri S. B. Pulkundwar, A.G.P. for the Respondent / State.

CORAM : **S. V. GANGAPURWALA &**
S. M. GAVHANE, JJ.

DATE : **13th November, 2017**

PER COURT :

1. Mr. Jain, the learned counsel submits that the advertisement issued by the respondent for selection of Arogya Sevak (Male) dated 22.8.2014, is not in consonance with the rules. As per the rules 10% posts of Arogya Sevak are to be filled in by promotion, 50% posts from Seasonal Spraying Workers and 40% posts from candidates other than Seasonal Spraying Workers. The petitioners do not have experience or qualification of a Seasonal Spraying Worker, they come within 40% (other candidates). The names of the petitioners appeared in the select list but appointment orders are not issued to them. According to the learned counsel, the advertisement itself is against the rules, the respondent be directed to appoint the petitioners.

2. We have heard Mr. Pulkundwar, the learned A. G. P.

3. The petitioners participated in the selection process and after not getting an appointment letters have approached this court contending that the advertisement is not in conformity with the rules.

4. We could have considered the contention of the petitioners had the petitioners approached this court challenging the advertisement before participating in the selection process. Moreover, fresh selection process was undertaken in the year - 2015. The selection process of the year 2014 had come to an end. The petitioners approached this court for the first time in July-2016. The contentions of the petitioners in the present writ petition as such cannot be considered for all the aforesaid reasons.

5. In case, the petitioners feel that the respondents have not issued advertisement in conformity with the rules, it is open for the petitioners to assail the fresh advertisement, if any.

6. The writ petition is accordingly disposed of. No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]