

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

BENCH AT AURANGABAD.

WRIT PETITION NO.7500 OF 2014

Amit S/o Kashinath Rathod ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...
Mr.V.D.Hon, Senior advocate holding for
Mr.A.V.Hon, advocate for the petitioner.
Mr.S.B.Pulkundwar, A.G.P. for the State.
Mr.A.S.Bajaj, advocate for Respondent Nos.2 and
3.

...

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

Date : 09.10.2017.

PER COURT :

1. Mr.Hon, learned Senior advocate for the petitioner submits that petitioner was selected and was issued with the appointment order as an Assistant Programmer with the Respondents. As per the said order, the petitioner was to join by

15.3.2014. The petitioner requested for extension of time to join as the petitioner was completing his graduation studies. The petitioner made the said request under letter dated 21.4.2014. The petitioner applied for extension of time on 18.3.2014. The petitioner thereafter, applied for extension up to 15.5.2014 under letter dated 21.4.2014. The Respondents under letter dated 20.5.2014 granted extension of time to join up to 21.5.2014. The said letter was received by the petitioner on 28.5.2014. The petitioner went to join on 6.6.2014, the petitioner was not allowed to join. The petitioner made a request seeking extension of time to join the said services. The learned counsel submits that today the vacancy still exist for the said post.

2. Mr.Bajaj, learned counsel for the Respondents states that extension of time to join was given to the petitioner considering his request. Within the stipulated period he did not join nor made any inquiry. The said post was then given to the next candidate in merit and the

said candidate also joined. The selection list came to an end after one year. No vacancy was available.

3. The facts and dates narrated supra are not disputed. It appears that the petitioner did not join within the stipulated period. In Writ jurisdiction under Article 226 of the Constitution of India, it will not be possible for us to pass any orders in favour of the petitioner.

4. The petitioner may make representation to the Respondent-authority which representation the Respondent-authority may consider on its own merits in accordance with law expeditiously, preferably within three (3) months from receipt of the said representation.

5. The Writ Petition is disposed of. No costs.

(S.M.GAVHANE, J.)

(S.V.GANGAPURWALA, J.)

