

Writ Petition No. 7541 of 2004

Versus

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**Coram: T.V. NALAWADE &
SUNIL K. KOTWAL, JJ.**

Date : 12 July 2017

JUDGMENT:

1) The petition is filed to challenge the appointment order issued in favour of respondent No.4 on the post of Gram Sevak on contract basis and also for giving direction to respondent No.3 to issue appointment order of the said post in favour of the petitioner. Both the sides are heard.

2) The petitioner and the respondent No.4 had participated in the process of selection of Gram Sevak which was started after publishing advertisement on 17-1-2003. The petitioner had applied from open category claiming that he was "project affected person" and he was entitled to get the post as project affected person. From the same category respondent No.4 had made application. Interviews were conducted and then names of the persons as per merit were published by the committee of respondent No.3, Zilla Parishad. It is the grievance of the

petitioner that he is more meritorious than respondent No.4 but appointment was given to respondent No.4.

3) It is the contention of the petitioner that as he was B.Sc. Agri. and had secured 74.10% marks in the said degree course, his qualification was better and higher than the qualification of respondent No.4. Respondent No.4 was H.S.C. and he is holding Diploma in Agriculture. It is contention of the petitioner that due to this circumstance preference ought to have been given to him. This Court has carefully gone through the conditions published in the advertisement. They show that both the petitioner and the respondent No.4 were eligible as they were satisfying the requirement of educational qualification. The conditions do not show that priority was to be given to persons holding degree. The learned counsel for the respondent No.4 drew attention of this Court to the policy of the Government published in Government Circular dated 13-9-2000. In this Government Circular the Government had given directions to the concerned departments and the Zilla Parishads to see that the names of the persons, who were to be selected from

project affected person category, were to be informed to the Collector and then the Collector was to send such of the candidates who could have been appointed on the basis of wait list prepared by him. Seniority in the wait list was to be observed. In the present matter reply is filed to the effect that the name of the petitioner was not informed by Collector and the name of respondent No.4 was informed by the Collector and so the appointment was given to respondent No.4. This Court sees no reason to interfere in the said policy of the Government and in ordinary course the person who got affected first needs to be given priority. Due to this circumstance this Court holds that it is not possible to interfere in the matter and give relief claimed. In the result, the petition stands dismissed. Rule stands discharged.

Sd/-
(SUNIL K. KOTWAL, J.)

Sd/-
(T.V. NALAWADE, J.)

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