

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12393 OF 2017

Satish s/o Ramhari Dawane

Petitioner

Versus

The State of Maharashtra

Respondents

Mr. R.O. Awasarmol, advocate for petitioner.

Mr. S.P. Sonpawale, A.G.P. for respondent no. 1.

CORAM : R.M.BORDE &

SMT. VIBHA KANKANWADI, JJ.

DATE : 11th OCTOBER, 2017

PER COURT:

1. Petitioner is making grievance in respect of his placement in the seniority list.

2. Petitioner is placed at serial number 22 in the seniority list. Petitioner claims to be belonging to Scheduled Caste category and according to him, though he is a meritorious candidate, because of error on the part of the University, he was not appointed earlier alongwith other candidates who had participated in the selection process.

3. Petitioner had to approach this Court by presenting Writ Petition No. 9915/2014 which was heard and decided by Division Bench of this Court on 13.01.2016. This Court disposed of the petition in view of the statement made by learned counsel for the University that since one post for scheduled caste category is vacant and, since the name of petitioner finds place at serial number 1 in the wait list, he should be issued a letter of appointment. The Division Bench of this Court as such directed that the post earmarked for scheduled Caste category be filled in by issuing letter of appointment to petitioner. Petitioner thus has been appointed on 03.02.2016 in pursuance to the decision of this Court.

4. Petitioner claims that his appointment shall be considered with effect from 23.01.2014 or 22.01.2014 when other candidates were appointed. It does appear that the candidates in respect of whom petitioner is making grievance were not party to the earlier petition. Apart from this, the letter of appointment issued to the petitioner makes it clear that he has been appointed with effect from 03.02.2016. There is no whisper in the judgment of the Division Bench nor in the order passed on Civil Application that petitioner would be entitled to claim seniority from the date of appointment of other candidates who have been considered and appointed under the process, in which petitioner had also participated.

5. We are of the opinion that, the fact that the appointment of petitioner was deferred and he has been offered employment in pursuance to the directions issued by this Court, itself does not

entitle him to claim seniority. Writ petition is devoid of substance hence stands rejected.

SMT. VIBHA KANKANWADI
JUDGE

R.M.BORDE
JUDGE

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