

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

WRIT PETITION NO. 10212 OF 2016

Shrinivas Chinnana Narawade .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri. A. N. Nagargoje, Advocate for Petitioner.

Shri. V.S. Badakh, Advocate for Respondent No.1.

Shri. D.S. Bagul, Advocate for Respondents No. 2 and 3.

**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATED : 29th March, 2017

PER COURT:

. Mr. Nagargoje, the learned counsel submits that pursuant to the advertisement issued by the respondent the petitioner applied for the post of Conductor (Junior). The petitioner was selected. The name of the petitioner was kept in the select list, however appointment order was not issued on the ground that the caste claim of the petitioner is not

validated. The learned counsel submits that the petitioner has applied from S.T. Category. Eventually, the Tribe Claim of the petitioner is validated in the year 2015. The respondents be directed to give an appointment to the petitioner. The posts are still vacant with the respondent. The said information has been received by the petitioner under Right to Information Act. For no fault of the petitioner, the petitioner cannot be deprived of the appointment.

2. Mr. Bagul, the learned counsel for the respondents submits that the select list is valid for one year only. The said select list is of the year 2000. Thereafter, again fresh selection process was conducted.

3. We have considered the submissions canvassed by the respective parties. It is a fact that pursuant to the selection process conducted in the year 2000 the name of the petitioner appeared in the select list.

4. It is also fact that the petitioner was never issued any appointment order. Mere inclusion of the name in the select list does not give indefeasible right to the candidate to be appointed. The selection process pursuant to which the petitioner seeks relief is of the year 2000 i.e. 17 years back. There after fresh selection process has been conducted and

fresh appointments are made. At the relevant time, the Tribe Claim of the petitioner was invalidated. It is subsequently validated in the year 2015. Henceforth, the petitioner may be entitled to take benefit of reservation but it would not be possible to direct the Respondents to give appointment order to the petitioner pursuant to the selection process of 2000. The select list certainly would not be valid as on date. In view of the above the writ petition is disposed of. No costs.

[SANGITRAO S. PATIL, J.]

[S. V. GANGAPURWALA, J.]