

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 758 OF 2006

Ravindra Ramchandra Chorat ... Petitioner

V/s.

The State of Maharashtra and Ors. ... Respondents

- Mr.Ajay Bhise a/w. Mr.H.S. Venegavkar for the Petitioner.
- Ms.M.S. Bane, 'B' Panel Counsel for Respondent Nos.1 to 5.

**CORAM : S.V. GANGAPURWALA AND
A.M. BADAR, JJ.**

DATE : 21st JULY, 2017.

PER COURT :

1] The learned counsel for the Petitioner strenuously contends that the Petitioner had applied from the project affected persons category to be appointed either as a “Talathi” or “Clerk” in the Collector Officer. According to the learned counsel, those persons who were below the Petitioner in the list have been given appointment. The Petitioner was discriminated. Subsequently, in the year 2006, advertisement has been published, inviting applications for the appointment from the project affected persons category. The same would infringe the right of the present Petitioner. The learned counsel submits that the Petitioner possesses the necessary qualification to be appointed as a “Talathi” or as a “Clerk” in the Collector Officer. The right of the Petitioner are infringed.

2] The learned AGP submits that even the person seeking appointment from project affected category has to compete and apply pursuant to the advertisement. The learned AGP relies on the Full Bench Judgment of this Court in case of *Rajendra Pandurang Pagare vs. The State of Maharashtra, reported in 2009 (4) Mah.L.J. 961*.

3] We have considered the submissions canvassed by the learned counsel for the respective parties. The relief claimed by the Petitioner cannot be granted by this Court in view of the judgment of Full Bench of this Court in *Rajendra Pandurang Pagare* (supra), wherein this Court has held that the project affected persons cannot be appointed without advertising the posts. The persons seeking appointment from the project affected persons category will have to apply pursuant to the advertisement and compete with other project affected persons.

4] In the light of the above, Writ Petition is dismissed. Rule is discharged. No costs.

(A.M. BADAR, J.)

(S.V. GANGAPURWALA, J.)