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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2065 OF 2015

Dr. Pratap s/o Mahadev Garje.

..Petitioner

Vs.

The State of Maharashtra & Ors.

..Respondents

None for Petitioner.

Mrs. Sharmila U. Deshmukh for Respondent No.1.

**CORAM: R.M. BORDE AND
A.S. GADKARI, JJ.**

DATE: 23 FEBRUARY 2017.

P.C.:

1] On earlier occasion i.e. on 20.2.2017 when the matter was called upon for consideration, none appeared for the petitioner. Thus the matter was adjourned till today. Today also none appeared for the petitioner.

2] We have heard the learned Counsel appearing for the respondents.

3] The petitioner was initially appointed in Maharashtra Pollution Control Board as a Field Officer in pursuance of the advertisement issued on 21.1.2009. The petitioner was appointed against V.J.A. Category. The appointment of the petitioner was challenged by one Arvind Rathod and Vishal Jadhav in Writ Petition Nos.1293 of 2011 and 7939 of 2010 respectively. Both matters were taken up for hearing by this Court (at Aurangabad Bench) and on 29.2.2012, the Division Bench at Aurangabad allowed the petition presented by Vishal Rathod and directed quashment of the appointment of Dr. Pratap Garje, the petitioner herein as against the seat reserved for V.J.A. Category. It was directed to consider the claim of the petitioner for appointment on the basis of N.T.(D) category, if he is found to be the most meritorious in that category. It is contended that the post for N.T. (D) category was already filled in and the candidate above in order of merit has been appointed against the post.

4] The petitioner approached the High Court (at Aurangabad Bench) by presenting Writ Petition No.5880 of 2012 and the same has been rejected by the Division Bench of this Court at Aurangabad Bench by Order dated 20.9.2013. The Division Bench in Order 20.9.2013 has

observed at para-10 and 11 as under:

10] Subsequent vacancies becoming available and not advertised in the year 2009 cannot be made available for consideration of claim of the petitioner. Direction of this Court was only to consider the entitlement of the petitioner in terms of 2009 advertisement. The petitioner has not pointed out any violation of that direction. We, therefore, has found no case warranting interference.

11] In the result, Writ Petition is rejected. No order as to costs.”

5] The petitioner preferred a Review Application bearing No.142 of 2013 on 20.9.2013 and the same is also rejected by the Division Bench of this Court at Aurangabad Bench by its Order dated 1.10.2013.

6] Since the issued raise in the instant petition has already been determined by the High Court at Aurangabad Bench in the writ petition referred above, the claim raised in the instant petition deserves to be rejected. The writ petition being devoid of merits, is accordingly dismissed.

(A.S. GADKARI,J.)

(R.M. BORDE, J.)