

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

**WRIT PETITION NO. 2820 OF 2014
WITH CP/218/2017 IN WP/2820/2014**

**SUDHAKAR VINYAK KOLI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr.N.L.Choudhari, Advocate for the petitioners
Mr.Y.G.Gujrathi, AGP for the respondent/State
Mr.S.P.Shah, Advocate for respondent No.2.

**CORAM : SUNIL P. DESHMUKH
S.M.GAVHANE, JJ.**

DATED : 28.11.2018

P.C. :-

1. Heard learned counsel for appearing parties.
2. Pursuant to advertisement published on 29.09.2011 the petitioners had applied for appointment to the posts of *Bagmali*, *Mukadam* (Supervisor). It appears that the recruitment process pursuant to the advertisement had been undertaken and accordingly some appointments came to be made. So far as the posts of *Mukadam*, *Bagmali* and others posts are concerned, certain discrepancies had been found in the recruitment process.
3. In the circumstances while the petitioners had been declared to have passed written test and were called for interview, before the interviews of such persons could take place, the Municipal Commissioner had objected to the recruitment process and had sought guidance from the State Government. The State Government had intimated to deal with the matter at his level after

consulting the Municipal Corporation.

4. Accordingly the matter had been put before the General Body and the General Body appears to have resolved to go ahead with the selection process. The Commissioner found it difficult to go by said resolution No.180 and thus had approached the Government against the resolution. The Government had suspended the resolution on 01.04.2017

5. Present petition had been initially moved by the petitioners seeking mandamus to conduct interview/oral examination of petitioners in pursuance of the concerned list.

6. Subsequent to further development about suspension of the resolution of the General Body, the petition has been amended seeking quashing of Government Resolution dated 01/04/2017 and report of respondent No. 2 dated 15/10/2016 and direction was sought to respondent No.2 to conduct interview of petitioners.

7. Learned counsel for the petitioners submits that in the process the question of discrimination arises since part of the selection process had been allowed go on and appointments accordingly had been made. While it came to appointments of petitioners, the same has been stayed for the reason for which the petitioners hardly are responsible. He, therefore, submits that the petition be allowed and that proper directions be issued.

8. Learned counsel for the respondents, learned AGP and Mr.Shah for the Corporation submit that the suspension of resolution has taken place for the reasons that recruitment process had been imbued with irregularities. Subsequently Corporation itself has cancelled the recruitment process under order of Municipal Corporation dated 12.07.2018 and a Government Resolution dated 04.08.2018 as well cancelling the resolution No.180, dated 13.01.2016 has been issued.

9. It does not appear that the petitioners have challenged the reasons and rationale underlying the erstwhile decisions taken by the Corporation and Government as well as aforesaid decisions referred to by learned counsel for respondents. Having regard to aforesaid the writ petition does not carry any substance and the same is dismissed. In view of aforesaid Contempt petition as well stands disposed of.

[S.M.GAVHANE, J.]

[SUNIL P. DESHMUKH, J.]