

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

**WRIT PETITION NO. 1884 OF 2016**

Vijay Sitaram Johare

..**Petitioner**

**Versus**

Zilla Parishad, Jalgaon,  
Through its Chief Executive Officer  
and others

..**Respondents**

Mr. S. R. Barlinge, Advocate for the Petitioner.  
Mr. Niting S. Choudhary, Advocate for Respondent  
No. 1.  
Mr. S. B. Joshi, A.G.P. for Respondent No. 2.

**CORAM: S. V. GANGAPURWALA &**  
**R. G. AVACHAT, JJ.**

**DATE: 21<sup>st</sup> November, 2018**

**PER COURT :**

1. Mr. Barlinge, learned counsel for the petitioner submits that the petitioner belongs to 'Mahar' Scheduled Caste category. The petitioner is a Project Affected Person. The petitioner stood at serial no. 1 of the Seniority List maintained for appointment of Shikshan Sevak. Initially Zilla Parishad was expected to fill in 200 vacancies of

Shikshan Sevak, however, they have appointed only 40 candidates. The petitioner time and again approached them. The petitioner was informed that he would be given the appointment order. The petitioner made representations on 08.09.2009 and 04.01.2010 but to no avail. It is arbitrary on the part of the respondent in not issuing appointment order to the petitioner. The learned counsel submits that the petitioner applied under the Right to Information Act, 2005 and the list provided to the petitioner shows that the petitioner is at serial no. 1 from Scheduled Caste Project Affected Persons category. The respondent be directed to issue appointment order to the petitioner.

2. Mr. Choudhary, the learned counsel for respondent no. 1 submits that under the Government Resolution dated 18.07.2008, 5% posts of Shikshan Sevak were reserved for PAP category and in view of the judgment of the High Court in Writ Petition No. 7472 of 2007 it was mandatory to fill in the

backlog within eighteen months. As per the seniority list maintained and forwarded by the office of the Collector, Jalgaon the appointments were given. As per roster 1277 Other Backward Class posts were available. 5% of the same comes to 64 posts. Sixty Four posts were meant for OBC PAP category. Twenty three persons from OBC category were already working and only 41 posts were available. Forty candidates from OBC PAP category were appointed. No posts are filled in from any other category.

3. Respondent no. 2 has also filed an affidavit.

4. It appears that as per the seniority list maintained for Scheduled Caste category the petitioner stood at serial no. 1, however respondent no. 1 has averred that drive was conducted to fill in the backlog of OBC candidates and the petitioner's name did not figure in the seniority list. Forty persons from OBC PAP category were filled on the vacant posts

available.

5. The petitioner would have a right to make grievance, if any person from Scheduled Caste PAP category is appointed. However, on affidavit it has been stated by respondent no. 1, that no person during the said selection process from any other category apart from OBC PAP category is appointed.

6. In the light of above, the respondent has not committed any illegality.

7. The writ petition, as such, is dismissed. No costs.

**[R. G. AVACHAT, J.]      [S. V. GANGAPURWALA, J.]**

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