

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

86 WRIT PETITION NO. 2483 OF 2016

ASHOK BAJIRAO GIRWALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr.Thombre S.S.
AGP for Respondent No 1 : Mr. N.T. Bhagat
Advocate for Respondent No. 3 : Mr. Kulkarni Mukund

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CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.

DATE : AUGUST 6, 2018

O R D E R :

Mr. Thombre, learned counsel submits that pursuant to the advertisement the petitioner applied for the post of Administrative Officer, Maharashtra Agricultural Administrative Service Grade-A from open category.

2. The learned counsel submits that the MPSC erroneously recommended respondent no. 3. The petitioner's request for considering for appointment was not considered. Respondent No. 3 had approached the Maharashtra Administrative Tribunal and the

Tribunal held that reservation class candidate is entitled for additional age criteria up to 38 years. The same is erroneous. The petitioner ought to have been considered.

3. We have also heard learned counsel Mr.Kulkarni for respondent No. 3 and the learned AGP.

4. It is brought to our notice that appointment of respondent no. 3 was cancelled and thereafter one post from open category is vacant. The petitioner can be absorbed, however, subject to recommendation by MPSC.

5. Considering the fact, respondent no. 3's appointment is already cancelled and respondents have communicated that case of the petitioner can be considered for appointment on the vacant post from open category, we direct the respondent to consider

the petitioner for appointment, in case there is no other impediment and subject to qualification criteria. Said decision shall be taken within a period of two months from today.

6. Writ petition is disposed of. No costs.

[**SUNIL K.KOTWAL, J.**] [**S.V.GANGAPURWALA, J.**]

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