

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.2862 OF 2018

Rupesh s/o Anandrao Bhusawale

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.D.M.Shinde, advocate for the petitioner.

Mr.S.Y.Mahajan, A.G.P. for Respondents.

**CORAM : R.M.BORDE AND
K.K.SONAWANE, JJ.
DATE : 19th March, 2018.**

P.C. :

1 The petitioner is objecting to the order passed by the Maharashtra Administrative Tribunal rejecting his Original Application seeking entitlement to claim appointment on the post of driver.

2 It is recorded in the order passed by the Tribunal that the Public Works Department was bifurcated in two wings i.e. Execution Wing and Inspection Wing. The Execution Wing has now been transferred to the Energy Department. Due to bifurcation of the department into two wings, there is no provision of vehicle for Execution Wing. Since for the available vehicles, drivers are already appointed long back, there is no need of any driver and even there is prohibition on purchase of new vehicle. It is further recorded that since there are no vehicles, posting of the petitioner, who claims his entitlement as a driver, cannot be made.

3 We do not find any unreasonableness or error in the order passed by the Tribunal. It is justified for the department to refuse to make appointment of the candidate from the waiting list for want of vehicle since no duties can be assigned to the incumbent.

4 Learned Counsel for the petitioner has placed reliance on the judgment of the Hon'ble Supreme Court in the matter of **Gujarat State Deputy Executive Engineers Association Vs. State of Gujarat**, (1994) 2 SCC 591. The facts giving rise to instant matter are different and as such, ratio laid down in the aforesaid judgment does not squarely apply to the instant petition.

5 In exercise of extraordinary jurisdiction under Article 226 of the Constitution, no interference is called for. Petition is devoid of substance.

6 Writ Petition stands dismissed.

K.K.SONAWANE
JUDGE

R.M.BORDE
JUDGE

adb