

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

948 CONT. PETITION NO. 343 OF 2018
IN WP/14335/2017

SHAIKHOHD HANEEF HAJI MOHD HAFEEZ

VERSUS

PEADEEP KUMAR VYAS AND OTHERS

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Advocate for Petitioner : Mr. Chaudhari M Mujeebuddin
AGP for Respondent no.4 : Mr. S.S.Dande

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CORAM : PRASANNA B. VARALE
AND
SUNIL K. KOTWAL, JJ.

DATE : NOVEMBER 1, 2018

O R D E R :

Heard learned counsel for the petitioner.

2. Petitioner was before this Court in an earlier round of litigation, namely Writ Petition No. 14335 of 1997. It was the grievance of the petitioner that though the petitioner was interviewed, appointment order was not issued to the petitioner of Medical Officer, even though the petitioner was the only

candidate. The petitioner had made representation to the Collector respondent no.4, as he was then the President of the Committee and no decision was taken on the representation/application. As such, the petitioner was constrained to file Writ Petition in this Court.

3. Considering the fact situation, the Division Bench of this Court directed respondent no.4 the Collector to decide the representation of the petitioner, on its own merits, in accordance with law, as expeditiously as possible and preferably within a period of four months from the date of order.

4. As the order was not complied with, the petitioner was before this Court.

5. Simple notice was issued on 6.6.2018. Initially, simple notice was issued to respondent

no.2 i.e. Director of Health Services and then simple notice was issued to respondent no.4 i.e. District Collector, Jalna.

6. Mr. Dande, learned AGP appearing for the State, on instructions received by him through respondent no.4 Shri P.B.Khaple, Additional Collector, Jalna, who is personally present in the Court, has placed on record a compilation of the orders. Same is taken on record and marked 'X' for identification. The District Collector, Jalna, considering the order of this Court and the grievance raised by the petitioner, in an application, dated 28.7.2018, directed the competent authority, namely the Chief Executive Officer, Zilla Parishad, Jalna, to take appropriate steps. The said order also states that the post on which the petitioner was putting his claim, is under the establishment of Zilla Parishad. As such, the verification on the aspect, such as compliance of necessary conditions

and eligibility criteria is required to be sent by the Zilla Parishad, Jalna.

7. By order dated 9.10.2018 the Chief Executive Officer, Zilla Parishad, Jalna communicated the petitioner the decision. Perusal of this order shows that the Chief Executive Officer, Zilla Parishad, Jalna referred to the grievance raised by the petitioner and the order passed by this Court. It is further stated in the order that though an advertisement was issued for selection on the post of Unani Hakim and the candidates were called upon for oral interview on 21.1.2002, subsequently the Regional Staff Selection Board was closed down in view of the communication dated 10.6.2002. Then it is further stated that the post of Unani Hakim was a reserved post for the candidates under the category of Scheduled caste candidates. Then, it is stated that none of the candidate, who attended the interview, was from the category of Scheduled Caste.

Certain queries were also made to the office of the Zilla Parishad from the office of the Collector and then by referring to all these facts, the Chief Executive Officer, Zilla Parishad informed the petitioner that the claim of the petitioner for appointment on the post of Unani Hakim cannot be considered. It is also further stated that there are certain other posts available at Primary Health Centers Hasnabad, Ashti and Sewali to be filled in and the requisite qualification is BUMS decree holder. Then, it is stated that these posts are filled in by way of direct selection. As such, the petitioner is at liberty to respond to the advertisement when such advertisement would be published. Thus, the Chief Executive Officer, Zilla Parishad, in his detailed order, assigned the reasons for non-consideration of the claim of the petitioner as well as made known to the petitioner that there will be opportunity available to the petitioner to stake his claim in future when such occasion arises.

8. Considering these facts, we are of the opinion that the order of this Court is complied with in letter and spirit, and as such, the petition is accordingly disposed of.

[SUNIL K. KOTWAL, J.] [PRASANNA B.VARALE, J.]

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