

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

**WRIT PETITION NO. 6144 OF 2016
WITH CA/6683/2018 IN WP/6144/2016**

**HEMCHANDRA ARJUN KOLI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.S.D.Dhongde, Advocate for the petitioner.
Mr.S.B.Pulkundwar, AGP for respondent/State.
Mr.Vijay Sharma, Advocate for respondent No.3.
Mr.Kalyan V. Patil, Advocate for respondent No.4.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.
DATED : 11.10.2018**

P.C. :-

1. Mr.Dhongde, learned Counsel for the petitioner submits that the petitioner would not press the writ petition, however, requests to consider his Civil Application by virtue of which the petitioner challenges the communication dated 10.01.2018 and further seeks direction against the respondents to issue appointment order for 11 months.

2. It is not disputed that the petitioner had participated in the selection process for the post of Civil Engineering Assistant, Class-III, Grade-II. The petitioner

was selected and kept in the wait list at Sr.No.1. The petitioner had applied from open competition category. Mr. Dhongde, learned Counsel submits that the posts meant of ESBC are subsequently required to be filled in from open competition category/merit. The petitioner is at Sr.No.1 in the merit list, he should have been issued order for 11 months, as per order passed in Writ Petition No.3151 of 2014 and the policy decision taken by the State.

3. Mr. Sharma, learned Counsel for the respondents states that the wait list can be operated only for the period of one year. Select list was prepared on 03.03.2015. The wait list lapsed on 02.03.2016. As such the case could not be considered. Learned Counsel submits that the appointment to be given in such case for a period of 11 months was further extended only up to 03.11.2018 as per the Government Resolution dated 04.05.2018.

4. It appears that the petitioner had applied in December, 2015 seeking appointment from the open category on merit for the post meant for ESBC. Same was in tune with the order of this Court in Writ Petition referred to supra.

Considering that the petitioner had approached in time and the respondents did not consider the application, further considering that the petitioner is at Sr.No.1 in the wait list, we direct the respondents to consider issuing appointment order to the petitioner on the basis of 11 months or till the period as is laid down by the State under its policy decision dated 04.05.2018 and such other policy decision that would be taken by the State from time to time in this regard. The respondent shall consider case of the petitioner for appointment within 15 days.

5. The Writ Petition and the Civil Applications are accordingly disposed of.

[S.M.GAVHANE, J.]

[S.V.GANGAPURWALA, J.]