

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

WRIT PETITION NO. 8084 OF 2018

Raju Ratan Sirsath .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mrs. Minakshi L. Sangeet, Advocate for Petitioner.

Shri. A. V. Deshmukh, A.G.P. for Respondent/State.

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

DATED : 18th July, 2018

PER COURT:

. Mrs. Sangeet, leaned advocate for the petitioner submits that, the petitioner has passed the physical test for the appointment as Machinist and he was also asked to appear for written examination by communication dated 10.06.2005. The appointment order ought to have been given to the petitioner from Project Affected Person's category, however, the same was not done. The family of the petitioner is living under below poverty line. The petitioner has qualification up to 12th

standard. He has applied for the post of 'Peon' pursuant to the advertisement dated 03.02.2016 with the Police Department, so also with the Irrigation Department, but his claim was not considered. Five per cent reservation is meant for Project Affected Person's category. The tribunal failed to consider the claim of the petitioner.

2. The persons seeking appointment from Project Affected Person's category have to undergo selection process and competition. De-hors the selection process, the person from the Project Affected Person's category cannot be appointed directly. The full bench of this court in the case of **Rajendra Pandurang Pagare and another Vs. State of Maharashtra and others** reported in **2009 (4) Mh.L.J., 961** has held that even persons from Project Affected Person's category have to apply pursuant to the advertisement and are to be selected by competition.

3. In light of the above, the tribunal has not committed any error. Writ petition is dismissed. No costs.

[SUNIL K. KOTWAL, J.]

ass/wp 8084.18

[S. V. GANGAPURWALA, J.]