

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

WRIT PETITION NO. 9208 OF 2015

Ahmadoddin Wahidoddin Tadvī .. Petitioner

Versus

Maharashtra State Electricity .. Respondents
Distribution Company Ltd. (MSEDCL)
& Anr.

Mr.A.S.Deshpande, Advocate for the petitioner.
Mr.A.S.Bajaj, Advocate for respondent No.2.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.
DATED : 30.08.2018**

P.C. :-

1. The petitioner seeks appointment as a Line Helper.

2. Mr. Deshpande, learned Counsel for the petitioner submits that the petitioner was selected and kept on wait list at Sr.No.1 for the post of "*Wahini Madatnis*". Subsequently, the petitioner was not given appointment order. The learned Counsel refers to the circulars dated 30.09.1989, 21.05.1990 so also

communication dated 16.02.2015 from the Superintending Engineer to the Chief Engineer to state that the posts of backlog are to be filled-in from the wait listed candidates and all the posts that would fall vacant in future are also required to be filled-in from the wait listed candidates till the wait list is completely exhausted. Learned Counsel submits that even respondents had also intimated to the Tribal Development Department that the petitioner is selected and as such name of the petitioner is also struck down from the list of unemployed youths maintained by the Tribal Development Department. As the name of the petitioner was struck off from the list maintained by the Tribal Development Department of unemployed youth, name of the petitioner was not referred by the Tribal Development Department to any other agency or the respondents for subsequent selection process. Learned Counsel submits that earlier writ petition filed by the petitioner bearing No.3240 of 2015 was withdrawn as the case of the petitioner was under consideration and a letter on 06.02.2015 was issued

by the Executive Engineer to the Superintending Engineer to that effect. That would show that the case of the petitioner was under consideration in the year 2015. As the petitioner is not considered, present writ petition is filed. The petitioner is aged 44 years. It will be difficult for the petitioner to get any employment.

3. Mr. Bajaj, learned Counsel submits that the wait list is to be exhausted till the time the backlog is to be filled-in. All six candidates were appointed. Thereafter, backlog did not exist. The assurance was never given that the petitioner would be appointed. Under the communication dated 06.02.2015 guidance was sought.

4. We have considered the submissions. The petitioner stakes his claim pursuant to his selection in the wait list for the recruitment process of the year 1994-95. More than 22 years have lapsed since then.

5. The grievance of the petitioner after such a long slumber needs no consideration.

6. The petitioner was never given any assurance that he would be appointed. No communication was made by the respondent to the Tribal Development Department that the petitioner is selected. Subsequent selection process have been undertaken. The appointment has to be by competition. The petitioner now after 22 years, cannot be heard to say that his case needs to be considered pursuant to the selection in the year 1994-95. Same would be raking a stale claim.

7. Considering the above, no case is made out. The writ petition is dismissed. No costs.

[S.M.GAVHANE, J.]

[S.V.GANGAPURWALA, J.]