

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO. 8484 OF 2009

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| 1 | Balu S/o Laxman Jagwal, Aged 38
Years, Occupation Service,
Resident of Jagwal Niwas,
Shivaji Nagar, Beed | PETITIONERS |
| 2 | Nandkishor S/o Sudamrao
Palralkar, Aged 27 Years,
Occupation Service, Resident of
Panchayat Samiti Colony, Nagar
Road, Beed | |
| 3 | Laxman S/o Adinath Kakade, Aged
27 Years, Occupation Service,
Resident of Shahu Nagar, Pangari
Road, Beed | |
| 4 | Ashok S/o Gulabrao Gaikwad, Aged
30 Yedars, Occupation Service,
Resident of Ankush Nagar, Old
Charata Road, Beed | |
| 5 | Kishorkumar S/o Mahadeorao
Jadhav, Aged 29 Years,
Occupation Service, Resident of
Khokarmoha, Taluka Shirur [K],
District Beed | |
| 6 | Nitin S/o Vasantrao Andhale,
Aged 25 Years, Occupation
Service, Resident of Rui-Pimpla,
Taluka Wadwani, District Beed | |

- 7 Shaikh Amar Shaikh Kamar, Aged 26 Years, Occupation Service, Resident of Katkatpoura, Karanja Road, Beed
- 8 Suhas S/o Suresh Nanajkar, Aged 32 Years, Occupation Service, Resident of Shikshak Colony, Osmanabad
- 9 Ashok S/o Machindra Sable, Aged 33 Years, Occupation Service, Resident of Karjani, Taluka and District Beed
- 10 Shailesh S/o Shamsundar Morgaonkar, Aged 33 Years, Occupation Service, Resident of Nehru Nagar, Beed
- 11 Laxmikant S/o Ramakant Deshmukh, Aged 32 Years, Occupation Service, Resident of India Bank Colony, Shahu Nagar, Beed
- 12 Kadri Kadir Ahmed Shukur, Aged 33 Years, Occupation Service, Resident of Kazi Nagar, Jalna Road, Beed
- 13 Kishor S/o Maruti Jadhav, Aged 25 Years, Occupation Service, C/o. Suresh Vaidya, Mitra Nagar, Opposite to K.S.K. College, Beed
- 14 Ganesh S/o Shridhar Shinde, Aged 28 Years, Occupation Service, Resident of Vaidyakinhi, Taluka Patoda, District Beed

- 15 Rahul S/o Prabhakar Korde, Aged
 27 Years, Occupation Service,
 Resident of Nalanda Chouk,
 Danora Road, Beed
- 16 Kalpna W/o Madhav Kulkarni, aged
 42 Years, Occupation Service,
 Resident of Plot No.40, Shivdata
 Housing Society, N-8, CIDCO,
 Aurangabad

V E R S U S

- 1 The State of Maharashtra,
 Through its Secretary, Rural
 Development & Water
 Conservvaton Dept. Mantralaya,
 Mumbai-32
- 2 The Divisional Commissioner,
 Aurangabad Division, Aurangabad
- 3 The Additional Commissioner,
 Aurangabad Division, Aurangabad
- 4 The Chief Executive Officer,
 Zilla Parishad, Beed

RESPONDENTS

Advocate for Petitioners : Mr. Dhakne Vijay A.

AGP for Respondents/State : Mr. R.V. Dasalkar

Advocate for Respondent No.4 : Mr. N.L. Jadhav

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**CORAM : T.V. NALAWADE AND
K.L. WADANE, JJ.**

DATE : 10th APRIL, 2018

ORAL JUDGMENT [PER : T.V. NALAWADE, J.] :

The petition is filed for giving directions to the respondent-State to see that the petitioners, who got appointment in Class-IV post category, get posting on Class-III post.

2. Both sides are heard.

3. It is not disputed that there is such a scheme of the respondent which can be seen in Government Resolution of General Administration dated 23rd August, 1996. It is the contention of the petitioners that in view of the Government Resolution, on the date of their appointment in Class-IV cadre, they were eligible to get Class-III post. It appears that it is informed to them that as there was no specific mention in the appointment order that they will be given such posting in future, they cannot

get Class-III post. The said posting is given to some of them. The submissions made show that as per the said scheme, the appointments are given to ten petitioners out of sixteen petitioners on Class-III posts. It was the responsibility of the appointing authority to mention Government Resolution in the order of appointment. It was not necessary for the employee to see that such condition is mentioned in the appointment order. In any case, the respondent has given the benefit of the aforesaid Government Resolution to many of the petitioners.

3. Learned counsel for respondent No.4-Zilla Parishad submitted that the wait-list is prepared and the appointment is given as per the seniority. Learned counsel for the petitioners submits that there are seven persons, who are junior to the present petitioners, who have been given Class-III post and these circumstances needs to be considered. Some record of appointment is produced in support of this contention but they are not parties to the present proceeding. If there is question of seniority, the

question will arise in future, which will give rise to separate cause of action. At present, they are not parties before this Court, and therefore, no relief can be given. As the statement is made by the Zilla Parishad that the remaining ten in number petitioners are standing in que for getting Class-III post as per the aforesaid Government Resolution, the petitioners will get the Class-III post as per their seniority in the wait-list. With these observations and in view of the statements of the parties, the petition is disposed of.

Rule is discharged.

(K.L. WADANE, J.)

(T.V. NALAWADE, J.)