

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

SECOND APPEAL NO. 812 OF 2017

ANIL BAJIRAO BADGUJAR
VERSUS
STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Appellant : Shri Patil Sandesh R..
AGP for the Respondents/ State : Shri V.S.Badakh.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 19th March, 2018

Per Court:

1 The Appellant/ original Plaintiff is aggrieved by the concurrent judgments of the Trial Court dated 03.11.2015 by which, Special Civil Suit No.13/2012 has been dismissed and the judgment dated 18.04.2017 by which, Regular Civil Appeal No.12/2016 has been dismissed.

2 I have considered the strenuous submissions of the learned Advocate for the Appellant.

3 The Appellant had filed the suit for seeking damages and compensation on account of having not been recruited in the Recruitment Drive meant for Ex-census employees. He had worked for one year and 10 months in between 18.02.1991 to 31.12.1992 with the Regional Deputy

Director of Census Operation at Jalgaon. In 1998, the Government of Maharashtra introduced a scheme for absorbing the retrenched census employees of the year 1991. The posts of Talathi were declared vacant in 1998. The Employment Exchange conveyed the name of the Appellant as being an unemployed person, who is enrolled with the said Employment Exchange. There were seven vacancies and the Appellant is said to be the only name forwarded by the Employment Exchange from Jalgaon. The appointment was not granted.

4 Again in 2000, the post of a Clerk was available. The name of the Appellant was again forwarded by the Employment Exchange. It is stated that the said recruitment was not undertaken. Again in 2005, the name of the Appellant was forwarded by the Employment Exchange and yet, there was no appointment.

5 The date of birth of the Appellant is 11.12.1960. The maximum age limit for entering the government service is said to be 30 years as in 2000. The age relaxation was introduced by the Government for absorbing such ex-census employees for a period of five years. The Honourable Supreme Court is stated to have observed that besides this five years relaxation, the period of employment also be added and further relaxation be granted.

6 With relaxation of five years and having worked for a period of one year and 10 months, the Appellant could get relaxation of six years

and 10 months. He was, however, 39 years, 09 months and 11 days when the interviews were scheduled on 27.09.2000 and was thus, age barred. He preferred Writ Petition No.3881/2005 before this Court seeking directions for appointment. Considering that he had struck the age barrier, the said Writ Petition was also dismissed.

7 Prior thereto, the Appellant had approached the Maharashtra Administrative Tribunal by filing Original Application No.374/2002, which was disposed of by order dated 23.12.2002 recommending to the Government to consider his case. He was already 42 years of age when the Maharashtra Administrative Tribunal delivered its order.

8 Considering the above, I do not find that the Appellant has made out any substantial question of law in this Second Appeal. This Second Appeal being devoid of merit is, therefore, dismissed.