

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 218 OF 2017

Dr. Shri Sanjay Krishnaji Bhokardole .. **Petitioner**
Versus
The State of Maharashtra and others .. **Respondents**

Shri Nikhilesh K. Tungar, Advocate for the Petitioner.
Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 and 3.
Shri Y. B. Bolkar h/f Shri A. B. Girase, Advocate for Respondent
No. 2.
Shri S. S. Thombre, Advocate for Respondent No. 4.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVALA, JJ.

DATE : **15th February, 2018**

PER COURT :

1. Mr. Tungar, learned Advocate for the petitioner submits that pursuant to the advertisement dated 21.11.2008 issued by the respondent – University, the petitioner had applied for the post of Public Relations Officer. Respondent No. 4 also applied for the same post. The respondent No. 4 was not eligible, as at that time he was 41 years of age. The learned Advocate submits that though the petitioner possesses better qualification, the respondent No. 4 was favoured and was selected on the post of

Public Relations Officer. The said post was against lien vacancy and for a tenure of the lien vacancy. Subsequently, the University confirmed respondent No. 4 on the said post. The Government Resolution in that regard dated 23.8.2010 is also violated. The learned Advocate submits that petitioner could receive this information only in the year – 2015, after applying under the Right to Information Act and thereafter has taken steps to file the present writ petition. In view of that there is no delay in filing the petition.

2. Mr. Bolkar, learned Advocate for respondent No. 2 submits that the person who had taken lien on the post which was advertised, extended his lien and thereafter he was permanently appointed at other place and as such the University confirmed the respondent No. 4 on the post on which he was selected after adhering to due selection process. The age relaxation is provided to the employees of the University and respondent No. 4 was employee with Dr. Babasaheb Ambedkar Marathwada University, when he applied for the post of Public Relations Officer. No illegality is committed.

3. Mr. Thombre, learned Advocate for respondent No. 4 submits that the respondent No. 4 had applied for the post of Public Relations Officer when respondent No. 4 was in service of the University and there was no upper age limit for the in-service candidate of the University to apply to the post. The post was vacant. After due selection process and from open competition the respondent No. 4 was selected.

4. We have considered the submissions.

5. It appears that as per advertisement, petitioner was not eligible as he was 38 years of age as on the date of advertisement and he was not serving in the University at that time. As such, the petitioner did not have any right to be selected for the post. The respondent No. 4 at the relevant time was working with the University and upper age limit was relaxed as far as employee of University is concerned.

6. It appears that the University considered the attending circumstances. As the person who had kept the post on lien was permanently employed elsewhere and the respondent No. 4

having worked for two years and more was subsequently confirmed.

7. Considering the fact that the petitioner under no circumstances would stand to gain by entertaining the present writ petition and also considering the delay of eight years in assailing the action of the University, we are not inclined to entertain the writ petition.

8. The writ petition as such is disposed of. No costs.

[A. M. DHAVALA, J.]

[S. V. GANGAPURWALA, J.]

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