

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3339 OF 2014

Classo George Fernandes : **Petitioner.**
Versus
State of Maharashtra
Through Secretary
Urban Development Department & ors. : **Respondents.**

Mrs. Neeta Karnik for the Petitioner.
Mr. A I Patel, Addl. GP for the Respondent/State.
Mr. N R Bubna for the Respondent Nos.2 and 3.

**CORAM : R. M. SAVANT &
NITIN W. SAMBRE, JJ.**
DATE : 17th OCTOBER 2018

P.C.

1 The Petitioner was earlier working with the Respondent No.2 – Corporation as the Assistant Fire Officer. The Petitioner was given the charge of the Chief Fire Officer. At the same contemporaneous time it seems that the Respondent No.2 – Corporation issued an advertisement for filling up the post of Chief Fire Officer by nomination. The Petitioner resigned from the services of the Respondent No.2 – Corporation and applied for the said post of Chief Fire Officer. The Petitioner was one amongst five Applicants. Out of the said Applicants, four including the Petitioner have been held to be ineligible for the said post as can be seen from the office note which is annexed as Exhibit AQ at page 103 of the above Writ Petition. It seems that after issuing the advertisement and considering the eligibility, the Respondent No.2 – Corporation has not proceeded to fill up the said post. The Petitioner takes

exception to the factum of he being declared as ineligible. In view of the fact that the Respondent No.2 – Corporation has not decided to fill up the said post on the basis of the advertisement which was issued in the year 2013, it is not necessary for us in in the instant Writ petition to go into the aspect of the challenge to the declaration of ineligibility of the Petitioner. By keeping the said issue open for being agitated at an appropriate time, if the occasion so arises in future, we dispose of the above Writ Petition.

[NITIN W. SAMBRE, J]

[R. M. SAVANT, J]