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

WRIT PETITION NO. 2383 OF 2016

Rameshwar Baliram Wagmare

.....Petitioner

V/s.

Maharashtra State Electricity Distribution
Co. Ltd and others

.....Respondents

Mr. Sudhir Nandode I/b Ms. Vrushali Maindad for the petitioner
Mrs. A. R. S. Baxi for respondent nos. 1 to 3

**CORAM : SHANTANU KEMKAR AND
NITIN W. SAMBRE, JJ.**

DATE : JULY 6, 2018.

P.C.

In 2013, the petitioner claims that he was selected for the post of Assistant Technician on contractual basis. However, he was not given an appointment, perhaps on the ground that while making the application, he suppressed the fact that there was case pending against him under sections 147, 148, 452, 324 r/w 149 of the Indian Penal Code and was registered as Crime No. 107 of 2009.

2 According to the petitioner, before taking the decision of not

giving him the appointment, respondents have not taken into consideration the circumstances under which the information was not furnished. He submits that this petition may be disposed of by directing the respondents to consider the reason for petitioner's non furnishing of the said information in the light of the decision of the Supreme Court in the case of **Avtar Singh V/s. Union of India and others** in **SLP No. 2025 of 2011** decided on 21/07/2016.

3 In the aforesaid background, without commenting on the merits of the matter, we dispose of the petition by directing the respondents to consider the petitioner's case, keeping in view the law laid down by the Supreme Court in the case of **Avtar Singh** [*supra*] decided on 21/07/2016, provided there exists a vacancy.

4 With the aforesaid direction, petition is disposed of. Let the decision as aforesaid be taken within 4 months from the date of receipt of copy of this order.

[NITIN W. SAMBRE, J.]

[SHANTANU KEMKAR, J.]