

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2921 OF 2015

Nilesh H. Meshram

...Petitioner

V/s.

The Municipal Corporation of
Greater Mumbai & anr.

...Respondents

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Mr. Suresh Mane, Advocate for the petitioner.

Mr. Sagar Patil, Advocate for respondent-BMC.

Coram : A.S. Oka, &Sandeep K. Shinde, JJ.Wednesday, 12th December, 2018.P.C. :

1. Heard learned Counsel for the petitioner.
2. The case of the petitioner is that, an advertisement was published on 4th January, 2013 by the first respondent inviting applications from Engineers for the post of Junior Engineers and Sub-Engineers. The case of the petitioner is that his name was on select list and some of the candidates were given appointment. The case is that,

remaining candidates including the petitioner could not be given appointment due to the application of the code of conduct on account of election of Lok-Sabha and Vidhan Sabha. The challenge is to the new advertisement published on 9th July, 2015 for the same post.

2. The learned Counsel appearing for the first respondent invited out attention to the judgment and order dated 14th January, 2016 in Writ Petition No. 2138 of 2015 wherein a Division Bench dismissed the petition of similarly placed persons as the petitioner in this case.

3. The learned Counsel for the petitioner does not dispute that the case of the petitioners in Writ Petition No. 2138 of 2015 is no different than the case of the present petitioner. However, he submits that there is an additional point canvassed in this petition that even after validity of select list expired, appointments were given to ten candidates. He points out that the list of the said candidates is also annexed to the petition which will show that they were given appointments after expiry of the validity period of the select list.

4. After having perused the judgment and order

dated 14th January, 2016 we find that even the issue regarding making appointments on ten posts after the expiry of the period of select list was agitated before the Division Bench which has been dealt with and answered against the petitioners in paragraph-13 of the said judgment.

5. Therefore, it is not possible for us to take a different view. For the reasons recorded in the judgment and order dated 14th January, 2016, we reject the petition.

(SANDEEP K. SHINDE, J)

(A.S. OKA, J)