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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 2905 OF 2018

Ganesh Pandurang Tandel & Ors.

.. Petitioners

Vs.

The Municipal Corporation of Gr. Mumbai & Ors. .. Respondents

Dr. Abhinav Chandrachud a/w. Mr. Saurabh Pakale i/b Mr. S. S. Mohite for the Petitioners.

Mr. A. V. Sakholkar a/w. Mr. A. K. Nandanwar for the Respondent-MCGM.

**CORAM : R. M. SAVANT &
K. K. SONAWANE, JJ.**

DATE : 12th SEPTEMBER, 2018.

P. C.

1. The Petitioners are invoking the writ jurisdiction of this Court challenging the order dated 18.07.2018 passed by the Respondent No.1 i.e. the Municipal Commissioner of the Municipal Corporation of Greater Mumbai. By the said order, the request of the Petitioner for operating the waiting list of the year 2009 for the Class 'D' posts in the Municipal Corporation of Greater Mumbai came to be rejected. The said rejection was on the ground that the said waiting list is outlived its life.

2. The learned Counsel appearing on behalf of the Petitioners Dr. Chandrachud would however contend that in the event the Municipal Corporation of Greater Mumbai decides to make any ad hoc appointments

in future, the Petitioners who are admittedly in the wait list of the year 2009 for the said Class 'D' posts be considered of such appointment. The learned Counsel seeks to place reliance on the Judgment of the Apex Court reported in 1994 Supp (2) SCC 348 in the case of State of Haryana and Ors. Vs. Mahabir Prasad Sharma & Ors. In the said case, the Apex Court upheld the directions of the Punjab and Haryana High Court directing the consideration of the candidates on the wait list in the event of any ad hoc appointment is being made *de hors* the rules. Hence, without dilating further on facts we are of the view that the above Petition can be conveniently disposed of by directing the Municipal Corporation of Greater Mumbai that in the event it intends to make any ad hoc appointment to Class 'D' posts, the Petitioners may be considered for appointment. The said consideration would undoubtedly be, on the basis that there is no existing right in the Petitioners for such consideration.

3. With the directions as aforestated, the Writ Petition is disposed of.

[K. K. SONAWANE, J.]

[R. M. SAVANT, J.]

Arjun
Machhindra
Kadam

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by Arjun
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Kadam
Date: 2018.09.14
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