

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.6830 OF 2009

Naim Querashi @ Shaikh Naimoddin
Shaikh s/o. Shaikh Abdul Rashid,
Age : 47 years, Occ. Service as a
Deputy Chief Executive Officer
(Village Panchayat),
Zilla Parishad, Nanded
and others

..Petitioners

Vs.

The State of Maharashtra,
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai – 32
and others

..Respondents

None present for petitioners
Mr.M.M.Nerlikar, AGP for respondent no.1

**WITH
CIVIL APPLICATION NO.3612 OF 2011
IN
WRIT PETITION NO.6830 OF 2009**

Rajesh Prakasah Kulkarni,
Age : 47 years, Occ. Service,
as a Deputy C.E.O. (Panchayat), Z.P.,

Presently Office situated at Z.P.,
Bhandara, Dist. Bhandara

..Applicant

Vs.

The State of Maharashtra,
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai – 32
and others

..Respondents

None present for applicant

Mr.M.M.Nerlikar, AGP for respondent no.1

**CORAM : PRADEEP NANDRAJOG, C.J.
&
R.G. AVACHAT, J.
DATE : SEPTEMBER 23, 2019**

PER COURT :-

1. The writ petitioners have been desperately fighting for justice. Way back in the year 1987, 40 posts of M.D.S. Class-I Cadre, were notified to be filled-up through a process of selection. Merit list was drawn. Candidates on merit position Nos.1 to 40 were issued appointment letters. Only 29 candidates joined service in July, 1989

and 2 more in August, 1989. Nine posts remained vacant. A requisition was sent by Rural Development Department. The Maharashtra Public Service Commission took a view that the life of the select list was over. Representation made by the petitioners being rejected, they filed Original Application before the Maharashtra Administrative Tribunal numbered as Original Application No.134 of 2005. It was dismissed on the ground of limitation. A Writ Petition filed against the said order was allowed on 18.10.2005 requiring the Original Application to be decided on merit. On remand, the application was renumbered as Original Application No.681 of 2007. The same has been dismissed by the Tribunal on 07.11.2008. Review sought, was dismissed on 21.08.2009. Instant petition raises challenge to these orders.

2. Today would be too late in the day to grant any relief to the petitioners, who were aged between 46 years to 50 years when they filed Writ Petition in the year 2009.

3. We note that pursuant to the same select list, with reference to merit position, the petitioners were appointed in the lower category of posts.

4. Be that as it may, we prefer to dismiss the Writ Petition for non-prosecution since none appears for the petitioners. Writ Petition is dismissed. Rule discharged.

5. In view of dismissal of the Writ Petition, Civil Application No.3612 of 2011 stands disposed of.

[R.G. AVACHAT, J.]

[CHIEF JUSTICE]