

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10572 OF 2019
IN
WRIT PETITION NO. 11843 OF 2017

ANGAD DNYANOBA SHITALE AND OTHERS
VS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Anandsingh S. Bayas, Advocate for the applicants
Mr.A.V.Deshmukh, AGP for the respondent/State

CORAM : SUNIL P. DESHMUKH &
S.M. GAVHANE, JJ.

DATE : 03-09-2019

P.C. :-

. Heard learned counsel for the parties.

2. While the writ petition is pending, the petitioners / applicants have filed civil application contending, thus:

3. *The names of the applicants are appeared in the waiting list. There are number of vacant post. Inspite of the selection, the selected candidate did not join. In such eventuality and as per the advertisement, the applicants who are in the waiting list are required to be considered for appointment. However, the respondents have not considered the name of the applicant for appointment. It is therefore the applicants were approached to this Hon'ble Court on 15-09-2017 much prior to the expiry of waiting list and raised their*

grievances for appointment.

4. *The applicants submit that this Hon'ble Court has issued notices to the respondents on 28-09-2017. On the next day the counsel for respondents has appeared and informed to the Hon'ble Court that the decision of the waiting list for the post of technician has not taken and the decision would be taken in few days. He requested for some time accordingly the matter was adjourned time to time because of the fact that the advocate on record appearing for the respondent No.2 and 3 was hospitalized and ultimately he is reported to be no more on 26-06-2019. It is therefore the Hon'ble Court was pleased to notice to the respondents.*

5. *The applicants submit that in the meanwhile inspite of the fact that, the issue of the selection of the present applicants are subjudice before this Hon'ble Court the respondent have issued fresh advertisement thereby invited the application to fill in 746 post of technician. It is pertinent to note that, the names of the applicants are listed in the waiting list and in view of the advertisement they are required to be considered for appointment. The applicants were approached to this Hon'ble Court before expiry of waiting list however the matter was adjourned at the behest of respondents. In one hand the respondents have sought adjournment in the matter in present writ petition and in another hand they have initiated by the fresh selection process without valid claim of the applicants to the post of technician-III.*

3. The applicants apprehend that advertisement dated 26-08-2019 may affect their claims/rights. Learned counsel for respondent No.2 submits that in accordance with the regime of rules, the efficacy of waiting list has been long back over and new recruitment process has been undertaken. This contention has been opposed on behalf of the applicants purporting to refer to various circumstances.

4. In view of aforesaid, the exigency can be met with letting the petitioners apply pursuant to new recruitment process without prejudice to their rights and contentions in the present writ petition. Civil application accordingly is disposed of.

5. Place the writ petition on 19-09-2019.

[S.M. GAVHANE, J.]

[SUNIL P. DESHMUKH, J.]