

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

WRIT PETITION NO. 12562 OF 2018

Sachin Thakur Soni and others .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri D. R. Irale Patil, Advocate for Petitioners.

Shri S. B. Pulkundwar, A.G.P. for the Respondent No. 1.

Shri Ameet R. Vaidya, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 29TH APRIL, 2019.

FINAL ORDER :

. Mr. Patil, the learned advocate for petitioners submits that, the petitioners ought to have been given appointment on Class III posts considering their qualification at the time of appointments. However, because of non availability of posts, the petitioners were given appointment on Class IV posts. Today there are vacant posts available in Class III category, however, appointments on Class III posts are not given.

2. Mr. Vaidya, the learned advocate for the Municipal Corporation submits that, the petitioner No. 1 had not submitted his entire educational qualification at the time of appointment.

As per his qualification at the time of appointment he was given IV post. Though the petitioner No. 2 was having qualification to be appointed on Class III post, because of non availability of posts, he was not considered. The petitioner No. 3 is appointed as Safai Majur on the basis of vashila appointment.

3. The Corporation in the affidavit in reply has admitted that the petitioner No. 2 can be considered on Class III post upon availability of Class III post.

4. The respondent/Municipal Corporation shall consider the qualification of petitioners as on the date of making applications for appointments on compassionate ground/Vashila appointment and if on the date petitioners had made an applications for appointment, the petitioners possessed the qualification for Class III post, then the respondent/Corporation shall consider their case for absorption on Class III posts as and when vacancy arises and considering their seniority. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 19