

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.14710 OF 2017

Nagsen s/o Bhimraoji Taksande

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.Rahul O. Awasaramol, advocate for the petitioner.

Mrs.R.P.Gour, AGP for Respondent No.1.

Mr.A.G.Talhar, advocate for Respondents No.3 & 4.

**CORAM : PRASANNA B. VARALE AND
NITIN W. SAMBRE, JJ.**

DATE : 01st April, 2019.

P.C. :

Heard Mr.Awasaramol, learned Counsel for the petitioner.

2 Though the petitioner, by way of prayer clause “B”, is seeking writ of mandamus in the nature of directions for appointment of the petitioner, we are afraid, in view of the authoritative decisions of the Hon'ble the Apex Court, this Court may not exercise extraordinary powers for issuance of appointment order in favour of the petitioner.

3 At the same time, we have considered the facts brought before this Court, viz. in response to the advertisement, petitioner claimed appointment for the post of Assistant Professor in Geography subject, the Selection Committee, so constituted selected three candidates and the petitioner was recommended as

a suitable candidate, whereas, other candidates were to be kept in waitlist. This exercise was undertaken by the Committee on 01.09.2016. As there was no positive response after the interview and exercise undertaken by the Committee, the petitioner tendered a representation to the Vice Chancellor of the University.

4 On the notice issued by this Court, reply is filed on behalf of Respondents No.3 and 4. Mr.Talhar, appearing for Respondents No.3 and 4, has invited our attention to the fact that, as there was some difference of opinion in the Committee members, the Institute was unable to accept the decision of the Committee as an unanimous decision. There was an objection raised by the Chairman of the Committee and the Principal. Mr.Talhar then further submitted that on receiving the representation, the office of the Vice Chancellor sought some feedback from the Institute and there was exchange of communication in the meantime.

5 Mr.Talhar, on instructions, made a statement before this Court that the Institute i.e. Respondent No.3 and Respondent No.4-Principal, Arts, Commerce and Science College, Bodwad, District Jalgaon, would undertake exercise of re-advertisement for selection of suitable candidate for the post of Assistant Professor for the subject Geography. Mr.Talhar also submits that such a process, being initiated by Respondents No.3 and 4, petitioner is at liberty to compete with other candidates and if the petitioner is found meritorious and suitable candidate, the Selection Committee may recommend the petitioner on his merit.

6 The submission of Mr.Talhar certainly takes care of grievance of the petitioner and also provides an opportunity to the petitioner to compete with other candidates and to prove his metal in the selection process.

7 In view of the statement made by Mr.Talhar, learned Counsel for Respondents No.3 and 4, we are of the opinion that the grievance of the petitioner is not only addressed to by the Institute but is also redressed in view of the proposed re-advertisement process. Thus nothing remains in the petition on the backdrop of statement made by Mr.Talhar, learned Counsel for the Institute.

8 The petition is accordingly disposed of.

NITIN W. SAMBRE
JUDGE

PRASANNA B. VARALE
JUDGE

adb