

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

16 WRIT PETITION NO.14219 OF 2018

SANJAY RAMBHAU DAHIPHALE AND ORS
VERSUS

THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Petitioners : Mr Thombre S.S.
AGP for Respondents State: Mr. V.M. Kagne
Advocate for Respondent No.2 : Mr. S.T.Shelke

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE : 25th July, 2019

PER COURT:

1. Heard Mr. Thombre, learned Counsel for the petitioners. It is submitted by the learned counsel that in fact all the process was completed before the judgment delivered by the Full Bench of this Court. The petitioners are project affected persons and entitled for their appointment. The Chief Executive Officer is required to take decision on the basis of the letter issued by the Deputy Secretary, Rural Development and Soil Conservation Department, dated 22.04.2016. According to the learned counsel, about 41 persons from PAP category who were alongwith petitioners were already given appointive orders.

2. Mr. Shelke, learned Advocate for respondent No.2

and learned AGP submits that appointment now cannot be given to the petitioners de hors the competition in view of the judgment of the Full Bench of this Court in Writ petition No. 5266 of 2007 laying down the law that appointment even from project affected persons category cannot be made de hors the competition and advertisement. The case of the petitioner cannot be considered. In light of that the writ petition is disposed of. No costs.

(MANGESH S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

JPC