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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4320 OF 2019

Smt. Ashwini Anil Bhere

..Petitioner

Vs.

The State of Maharashtra and ors.

..Respondents

Mr. Siddhesh Pilankar I/by Mr. Uday P. Warunjikar for petitioner.

Mr. A. I. Patel, AGP for respondent nos.1 and 2.

CORAM: PRADEEP NANDRAJOG, CJ. &
N. M. JAMDAR, J.

APRIL 12, 2019.

P.C.

1. Heard learned counsel for the petitioner and the State.
2. The petitioner had applied to respondent no.3, the agency to conduct examination, for being appointed in a Bank. The petitioner applied under the quota earmarked for differently-abled persons. She secured 89 marks out of 200. She was aggrieved by letter of appointment not being offered to her. She filed a complaint before the Competent Authority: Commissioner

for Persons with Disabilities in Pune. Notices were issued to the 3rd and 4th respondents. They did not appear. On 19 July 2018 order was passed by the Commissioner for Persons with Disabilities directing letter of being appointment to be issued to the petitioner.

3. The pleadings in the writ petition stop at this stage. However, learned counsel for the petitioner states that thereafter the third respondent filed a review petition before the Commissioner for Persons with Disabilities seeking recalling of the order dated 19 July 2018. The review petition has been dismissed against which respondent no.3 has filed a writ petition in this court registered as Writ Petition Stamp No. 35131 of 2018.

4. The present writ petitioner seeks a mandamus directing that the order dated 19 July 2018 passed by the Competent Authority be complied with.

5. Suffice it to record that if the writ petition filed by respondent no.3 challenging the order dismissing the review filed concerning the order dated 19 July 2018 is dismissed only then the writ petitioner would be entitled to appointment. If the same is allowed, perhaps appointment would not follow.

6. We clarify, appropriate directions concerning the petitioner's right would follow the decision in the above noted writ petition.

7. Thus without expressing any opinion on the merits of the controversy, we dismiss the writ petition. Needless to state the dismissal of this writ petition would not operate as res-judicata because the issue on merits has not been touched by us and the dismissal is on account of the peculiar facts noted above.

N. M. JAMDAR, J.

CHIEF JUSTICE