

Urmila Ingale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13047 OF 2018

Shri Vishwas Shivram Sid .. Petitioner
Vs.
The State of Maharashtra and anr. .. Respondents

Mr.Nitin Dalvi, for Petitioner.
Mr.K.S.Thorat, AGP for State.
Ms.Vaishali Jagdale, for Respondent No.2.

**CORAM : RANJIT MORE &
M. S. KARNIK, JJ.**

DATE : 5th NOVEMBER, 2019.

P. C. :

. Heard learned Counsel appearing for the respective parties.

2. The petition is filed for the following reliefs :

“(b) By writ of Certiorari may be issued thereby quashing and setting aside the order dated 26.05.2017 posting the Respondent No.2 at Kolhapur a place earmarked for Selection Grade, Deputy CEO and passed in violation of Section 4(4) and 4(5) of the Transfer Act and the Judgment and order of the MAT, Mumbai dated 04.05.2018 in Original Application No. 447 of 2018.

(c) By Writ of mandamus or any other writ may be issued thereby directing the Respondent No.1 thereby give the Petitioner appropriate posting at Kolhapur as Selection Grade Deputy CEO (VP) as per recommendation of the Civil Service Board forthwith.”

3. The above reliefs are sought by the petitioner relying upon the Government Resolution dated 06/08/2016 issued by Rural Development Department copy of which is annexed at Exhibit 'A' to the Petition. Mr.Dalvi contends that the petitioner was conferred selection grade on 28/08/2014 and in terms of said resolution is eligible to be appointed on any of the earmarked post specified in the said Government Resolution. It is also the contention of the petitioner that the respondent No.2 was not conferred selection grade despite which he has been appointed on one of the earmarked post meant for selection grade.

4. We need not go into the rival contentions in view of the fact that petitioner on 28/05/2018 was appointed as Principal Gram Sevak at Manjari, District - Pune and as the said post of Principal Gram Sevak is earmarked for selection grade. The grievance of the petitioner therefore no more survives. So far as respondent No.2 is concerned, admittedly he was conferred the selection grade during pendency of the Petition, and therefore his posting at Kolhapur as selection grade Deputy Chief Executive Officer (VP) cannot be questioned as of now.

5. In the above circumstances, we are not inclined to entertain the Petition in exercise of our writ jurisdiction under Article 226 of the Constitution of India as the same is without any merits. Writ Petition is dismissed.

[M. S. KARNIK, J.]

[RANJIT MORE, J.]

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