

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

CIVIL WRIT PETITION NO. 3178 OF 2017

Ramesh Narayan Londhe

...Petitioner

Vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Bharat Gadhvi I/by Tejesh Dande & Asso. for the Petitioner.

Mrs. M.P. Thakur, AGP, for Respondent – State.

Mr. M.P. Deshpande for Respondents No. 6 and 7.

**CORAM : SHRI. RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 20th JUNE 2019

P.C.:

1. The petition revolves around the selection process initiated in pursuance of an Advertisement No. 02/2015 for the post of “Live Stock Supervisor” issued by the Respondent No. 3 on 02.11.2015. The advertisement was published inviting applications for the six post of Live Stock Supervisor and the advertisement itself mentioned that Two Posts are reserved for Female, One Post was reserved for Ex-Servicemen and One post was reserved for Part time Employee. The petitioner participated in the said selection process and the provisional merit list which was published in which he was placed at Serial No. 7. Subsequently the final select list came to be published by the Zilla Parishad and six candidates found place in the said list which included

two Female candidates, one Ex-Servicemen and One Temporary Employee and two candidates from open category.

The grievance raised by the petitioner is in respect of the not following the merit list in a strict sense and according to him the Respondent No. 11 who was placed at Serial No. 22 of the provisional merit list gained an entry into the final select list. We do not find any substance in the said contention, Respondent though at serial no. 22 was selected since, there were two reserved posts for Female and in spite of her lower placement in the merit list, she found a placement in the final select list. In any contingency the learned Counsel for the Petitioner makes a statement that the Respondent No. 11 has resigned from the said post in March 2018 and therefore, we are not inclined to enter into the said controversy.

However, at this stage the learned Counsel for the petitioner urged the Court to take into consideration his claim on the basis that he was placed in the waiting list and since the one post of Live Stock Supervisor has now become vacant the petitioner should be accommodated in the said post. We are afraid that such a relief cannot be granted to the petitioner, since it is settled position of law that the

life of select list one year and therefore, the select list which was prepared in the year 2015 cannot be said to exist as on this date and in spite of the fact that the vacancy is created subsequent to this event, the petitioner cannot be automatically absorbed in the said post on the basis of his in the placement in the wait list. The petitioner also makes a statement that he was preferred several representations and atleast his representations may be considered. We are not also inclined to issue any direction to the Respondent authorities to consider the said representation, since the post which had fallen vacant from March, 2018, the Respondent – Zilla Parishad is at liberty to advertise the said post and invite applications once again and in this process the petitioner is always at liberty to participate.

2. The learned counsel for the petitioner has placed reliance on the Division Bench Judgment of this Court in Case of Umesh Vs. State of Maharashtra (2016) 6 Mh.L.J. 339. We have perused said judgment and we have taken note of paragraphs no. 15 and 16 of the said judgment which is clearly distinguishable on facts. In said case since the appointment order was not issued in favour of a selected candidate for a period of almost 11 months and thereafter when the

appointment order was issued, he failed to join and in the meantime since the petitioner before the Court was making representation, the Court clearly expressed in paragraph no. 15 that the Respondent authorities were at fault since they took 11 months to issue an appointment order of the candidate and then after one month immediately on his refusal they came up with the plea that the life of select list has expired. The Court did not accept the said contention and directed issuance of an appointment order in favour of the petitioner who was a wait listed candidate. The fact of the said case are clearly distinguishable and the reliance placed by the learned counsel for the petitioner is not of any succour to him.

In the result we dismiss the Writ Petition. No order as to costs.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J)