

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.6917 OF 2019

(Pravin s/o Vinayk Rao Thakare vs. Maharashtra State Power Generation Company Ltd.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri H.D. Dangre, Advocate for petitioner.

CORAM : R.K. DESHPANDE AND
VINAY JOSHI, JJ.

DATED : OCTOBER 11, 2019

The petitioner was selected for the post of Deputy Executive Engineer reserved for "Other Backward Class" category and is placed at serial no.1 in the waiting list prepared on 15/5/2018. The select list of the candidates exhausted on 5/12/2018, but the posts remained vacant as some of the selected persons did not join the posts in spite of granting time. The petitioner made representations for issuance of order of appointment. The representations were not decided, but ultimately on the application under the Right to Information Act, the information was supplied on 20/8/2019. From the said information, it is apparent that the proceedings of 30/5/2019 indicate that validity of the Select List has expired on 14/5/2019 and, therefore, appointment order

cannot be issued to the wait listed candidate and fresh process of recruitment shall be undertaken.

2) Shri Dangre, learned Counsel appearing for the petitioner, has relied upon decisions of this Court in Udaysing Jalamsingh Valvi vs. Secretary, District Selection Committee, Alibagh and another (2014 (2) Mh.L.J. 815) and Umesh s/o Mohan Kumawat vs. State of Maharashtra and others (2016(6) Mh.L.J. 339) to urge that rights of wait listed candidate get crystalized to get an order of appointment when the selected candidate fails to join the service within the time given to him for joining and the post remains vacant.

3) In the said decisions, this Court has relied upon Government Resolution, which prescribes the period of validity of operation of the select list. In the facts and circumstances of the said cases, this Court has held that if appointed candidate failed to appear within a reasonable period and never appeared for want of caste certificate, the wait listed candidate being the next eligible having caste validity certificate, ought to have been appointed in that year itself and the respondents cannot be permitted to deny the rights of the wait listed candidate, which are crystallized, merely because the respondents failed to take action within the prescribed period of one year.

4) In the present case, we find that specific Clause No.14 was incorporated in the advertisement, which is reproduced below :

“14. The Select list/Wait list will be operative for 1 year after declaration of result on MAHAGENCO Company website. As per Correction Slip No.271 dated 01.04.2000 (To G.S.O. No.112 dated 12.02.1962), Wait list will be 25% of the total vacancies.”

There is a power given to extend the period of validity of select list by further period of twelve months. However, the respondents have decided not to extend the validity period and the list has expired on 14/5/2019. We, therefore, do not find any substance in the petition. The petition is dismissed.

JUDGE

JUDGE

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