

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6436 OF 2019

Kashinath s/o Dhondiba Jadhav and Anr. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

Mr S.S. Gangakhedkar, Advocate for Petitioners

Mr S.B. Yawalkar, AGP for Respondent No. 1

Mr Dipesh Pande, Advocate holding for

Mr D.S. Bagul, Advocate for Respondent No. 3

**CORAM : S.V. GANGAPURWALA
AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 17th FEBRUARY, 2020

PER COURT :

1. Mr Gangakhedkar, the learned Counsel for the petitioners submits that the petitioners had participated in the selection process pursuant to the advertisement dated 16.02.2015. The petitioners' names were included in the additional select list. The petitioners were even called for verification of the original documents on 12.07.2018. Subsequently, the respondents did not proceed further with the selection process. The petitioner No. 1 now has become age barred. The learned Counsel submits that there was no reason for the respondents to disband selection process conducted pursuant to the advertisement of the year 2015.

2. The learned Counsel for the respondent-MSRTC submits that the name of the petitioners in additional select list at Sr. Nos. 12 and 17. First 10 candidates of the additional select list were appointed. Thereafter, all posts were filled in as per the advertisement. The life of the select list/wait is for one year.

3. Mere name in the select list does not vest the candidate with the right of appointment. According to the petitioners, as per the Rules of MSRTC, the life of select list is for two years. Whereas according to the respondents, the same is for one year. Be that as it may, select list was published on 17th May, 2016. According to the respondents, all seats pursuant to the advertisement were filled in. The fresh selection process has been initiated in the year 2019.

4. The respondents cannot be compelled to operate the select list till all the candidates of the select list are exhausted. The respondents as per the relevant Rules, can operate the select list till the period prescribed. Anyhow, the select list would not continue beyond two years and after all the posts advertised are filled in.

5. Considering the above, the writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S.V. GANGAPURWALA, J.]