

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10736 OF 2014

Mr.Vijay s/o Baburao Pawar. ... Petitioner.
V/s.
The State of Maharashtra and another. ... Respondents.

Mr.Ashish Satpute for the Petitioner.
Mr.R.S.Pawar, AGP for Respondent No.1.
Mr.G.S.Hegde for Respondent No.2.

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CORAM : **NITIN JAMDAR AND
M.S. KARNIK, JJ.**

DATE : **24 January 2020.**

P.C. :

The petition was filed because the Petitioner was denied employment with Respondent No.2- Maharashtra State Road Transport Corporation on the ground that he did not produce Non-Creamy Layer Certificate in time. On 25 January 2019, the following order was passed by this Court:

1. The Petitioner has approached this Court with a grievance that he was selected as Assistant Junior Electrician in the selection process conducted by Respondent no.2, against the post reserved for OBC. He was not appointed since he had not produced the Non-creamy Layer Certificate.

2. It is the contention of the Petitioner that the other similarly circumstanced candidate, who had given undertaking of producing Non-creamy Layer Certificate, has been given appointment order.

3. The Petitioner now, in fact, is in possession of the Non-creamy Layer Certificate. In that view of the order, we direct Respondent no.2 to consider the claim of the Petitioner on the ground of parity, on production of Non-creamy Layer Certificate by the Petitioner.

4. Stand over to 8th February, 2019.”

2. The learned counsel for Respondent No.2 states that pursuant to the above order, the Respondent No.2 has taken the Petitioner in employment. The learned counsel for the Petitioner states that there is likelihood that the Petitioner, after the period of 180 day, may be discontinued or an action prejudicial to him may be taken against the Petitioner. He states that 180 days will expire sometime in March 2020. The learned counsel for Respondent No.2 states that there is no warrant to single out the present Petitioner and that the Petitioner, pursuant to the order of this Court, is taken in service. He submits that it is an uniform practice followed by Respondent No.2 that after the period of 180 days, the employee is continued on temporary time-scale awaiting the vacancy and five benefits are given to him and it is not that after completion of 180 days the employee is discontinued.

3. Since it is the statement of Respondent No.2 regarding uniform practice followed by it, which we accept, there is no warrant for the Petitioner to apprehend that he will be singled out. He will have to be treated as any other employee appointed by Respondent No.2. In these circumstances, it is not necessary to keep the petition pending. The petition is disposed of accordingly.

(M.S. KARNIK, J.)

(NITIN JAMDAR, J.)