

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2382 OF 2020

(Radha d/o Suryanarayan Mandla vs. State of Maharashtra, Ministry of Woman and Child
Development thr. its Secretary & Anr.)

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

Court's or Judge's orders.

Shri S.R. Charpe, Advocate for the petitioner.

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**CORAM : R.K. DESHPANDE &
PUSHPA V. GANEDIWALA, JJ.
OCTOBER 20, 2020.**

Hearing was conducted through Video Conferencing and the learned counsel for the parties agreed that the audio and visual quality was proper.

The petitioner seeks direction to respondent No. 2 – Director of Medical Education and Research, Mumbai, to extend the benefit of Government Resolution dated 02.04.2018 and also of the Circular dated 04.12.2018 regarding one percent reservation for Orphan category and further relief claimed is to direct the respondents to consider the petitioner on the post of Staff Nurse from such category.

Notice was issued on 20.08.2020 and in the meantime, we directed the respondents to keep

one post of Staff Nurse vacant until further orders.

The advertisement in question, inviting applications for the post of Staff Nurse was issued on 28.11.2017. The learned counsel for the petitioner submits that the correct date is January 2018. However, we do not find that this would make any difference for the reason that the Government Resolution prescribing the reservation for Orphan category was issued on 02.04.2018 and at any rate prior to it the advertisement was issued. It is, therefore, not possible to accept the applicability of this Resolution dated 02.04.2018 to the recruitment process, which has already commenced by issuing advertisement prior to the date of this Government Resolution. Merely because the appointments are not yet made, it does not make any difference.

The contention of the petitioner is that as a Special case the petitioner be considered from the Orphan category.

It is not possible for us to accept this request also because by doing so, other similarly situated persons would be deprived of the competition for such post. Whenever in future such posts are advertised, the petitioner may take benefit of Government Resolution.

Writ Petition is dismissed. No order as to costs.

This order be communicated to the learned counsels appearing for the parties, either on the e-mail address or on Whatsapp or by such other mode, as is permissible in law.

JUDGE

JUDGE

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