

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8575 OF 2021

PANDHARINATH SHIVAJIRAO JOGDAND
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Hanmant V. Patil
AGP for Respondents No.1 to 3 -State : Mrs. V. N. Patil-Jadhav
...

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.**

DATE : 09th AUGUST, 2021

PER COURT :-

Heard learned counsel for the petitioner.

2. The learned AGP accepts notice for respondents No.1 and 2.
3. The proposal seeking approval to the appointment of petitioner is rejected only on the ground that as per Government Resolution dated 23-06-2017, the appointment of petitioner has not been made through Pavitra Portal. The petitioner is appointed on 05-09-2017.
4. Learned counsel for the petitioner places reliance on the order of this Court dated 02-07-2019 in Writ Petition No. 12701 of 2018 and submits that the Pavitra portal was not operative at the relevant time when petitioner was appointed.

5. Learned AGP submits that, in view of Government Resolution dated 23-06-2017, the Management could have filled in the posts from and amongst the persons enlisted in the Pavitra Portal. The Management did not have right to appoint the employees *de hors* the Pavitra Portal.

6. It is not disputed that the petitioner claims that he was called for interview on 04-09-2017 though the Government Resolution was issued on 23-06-2017. This court, under order dated 02-07-2019 in Writ Petition No. 12701 of 2018, observed on the basis of instructions received from learned AGP therein that Pavitra Portal became operative on 20-06-2018 and the same was activated in January-2019. The petitioner was appointed on 05-09-2017. On the date when petitioner was appointed, the Pavitra Portal was not operative. The appointment certainly could not been made through Pavitra Portal.

7. In light of the fact that the petitioner was appointed much prior to operating of Pavitra Portal, the impugned order is quashed and set-aside.

8. The writ petition is disposed of. No costs

(R. N. LADDHA)
JUDGE

(S.V. GANGAPURWALA)
JUDGE