

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

945 WRIT PETITION NO.6309 OF 2022

SUMAN RAMBHAU SHINDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
ANOTHER

...
Advocate for Petitioner : Mr.Aghav Avinash D.
AGP for Respondents-State : Mr. S.G. Sangle
...

CORAM : RAVINDRA V. GHUGE, &
ANIL L. PANSARE, JJ.

DATE : 23rd JUNE, 2022.

PER COURT :

1. The petitioner has putforth prayer Clauses B, C and D,

which read as under :

“B) By issuing appropriate writ, order or directions in the like nature may kindly be direct to the respondent No. 2 to issue the appointment order to the petitioner in view of the Government Circular dated 2.3.2019 and communication letter dated 22.2.2021 on the vacant post of Class III and Class IV and for that purpose issue necessary orders.

C) By issuing appropriate writ, order or directions in the like nature, May kindly be direct to the respondent No. 2 to consider the claim of the petitioner mentioned in the application dated 29.9.2021 and issued the appointment order on the vacant post of Librarian and for that purpose issue necessary orders.

D) Pending the hearing and final disposal of this writ petition may kindly be direct to the respondent No. 2 to issue the appointment order to the petitioner in view of the Government Circular dated 2.3.2019

and communication letter dated 22.2.2021 on the vacant post of Class Iii and Class IV and for that purpose issue necessary orders.”

2. Having heard the learned Advocates for the respective sides, we are of the view that an order virtually directing the District Collector, to enter into a contract for service with the petitioner, under the extraordinary writ jurisdiction of this Court, cannot be passed. The petitioner can be considered by respondent No. 2, in accordance with the policy of the Government.

3. In view of the above, this petition is disposed off.

4. We expect respondent No. 2, to consider the application of the petitioner, dated 29.09.2021, in the light of the Government Circular, dated 02.03.2019, subject to the availability of the posts and on such conditions as may be applicable. Let such decision be taken on or before 30th August, 2022.

(ANIL L. PANSARE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE