

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.10238 OF 2022

**SHEETAL KALYAN NEHARKAR
VERSUS
THE GOVERNMENT OF INDIA, DEPARTMENT OF POST,
THR. ITS DIRECTOR AND OTHERS**

....

Mr S. S. Thombre, Advocate for petitioner;
Mr B. M. Dhanure, Standing Counsel for respondents

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 12th October, 2022

PER COURT:

1. The petitioner has put forth prayer clauses (B) and (C),
which read as under :-

“B] By issuing writ of certiorari or any other appropriate writ, order or directions in the like nature, the rejection letter dated 23rd August, 2022 issued by the respondent No. 3 thereby rejecting the candidature of the petitioner for the post of Gramin Dak Sevak may kindly be quashed and set aside and the respondents may kindly be directed to issue appointment order to the petitioner on the post of Gramin Dak Sevak as per her offer letter and for that purpose issue necessary orders.

C] Pending hearing and final disposal of this writ petition, the respondents may kindly be restrained from filling up the post on which the petitioner is selected and for that purpose issue necessary orders.”

(2)

2. Issue notice to the respondents, returnable forthwith. The learned Standing Counsel waives service of notice on behalf of all the respondents.

3. It appears from the record that the petitioner was selected on the post of 'Gramin Dak Sevak' (GDS). Despite such selection, vide letter dated 23/08/2022, his selection was cancelled.

4. Needless to state, selection to a post may not give a right to an employee to claim appointment. However, the learned Advocate for the respondents submits that, the post was not filled in and an offer letter has only been given to a wait listed candidate Shri. Vijay Arjun Pakhare. The learned Advocate for the petitioner submits that, the petitioner was also given an offer letter when she was in the select list and that offer letter has been cancelled.

5. The learned Advocate representing the Union of India refers to Section 14 of the Administrative Tribunal Act, 1985 and contends that, this petition will have to be preferred by the petitioner before the learned Central Administrative Tribunal.

(3)

6. We have perused the said provision and we do find the contention of the respondents to be correct. The learned Advocate for the petitioner, however, submits that, though the petitioner can prefer an application before the learned Central Administrative Tribunal, by then, the respondents may attempt to fill in the post through the wait listed candidates and create further complication.

7. In view of the above, this petition is disposed off, with liberty to the petitioner, to approach the learned Central Administrative Tribunal, on or before 21/10/2022. An application for interim relief, could also be filed. The respondents would, therefore, maintain status-quo, as existing today, until 31/10/2022.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

sjk