

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

WRIT PETITION NO. 14951 OF 2019

Purushottam Namdev Patil
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Shri Yogesh B. Bolkar, Advocate for the Petitioners.

Shri K. N. Lokhande, A.G.P. for Respondent Nos. 1 and 2.

Shri Maheshkumar S. Sonawane, Advocate for the Respondent
Nos. 3 and 4.

**CORAM : MANGESH S. PATIL AND
SANDEEP V. MARNE, JJ.**

DATE : 20.08.2022.

FINAL ORDER :

. Learned advocate Mr. Bolkar for the petitioners, at the outset submits that the petitioner No. 1 who has already crossed 45 years of age intends to withdraw the writ petition and resort to appropriate remedy including the claim for appointment in the 10% quota. On instructions Mr. Bolkar seeks leave to withdraw the writ petition with liberty.

2. We have heard both the sides in respect of the claim of the rest of the petitioners.

3. The petitioners are primarily aggrieved by the fact that though 10% posts of employees of Zilla Parishads are reserved

for the employees of Gram Panchayat in class III and IV cadre, in the recruitment process of the year 2019 reservation was not followed. Learned advocate Mr. Bolkar would submit that social reservation was apparently resorted to pursuant to the Government communication dated 08.05.2007. He would submit that by a subsequent communication dated 17.09.2021, the instructions in the earlier communication dated 08.05.2007 have been withdrawn. He would submit that social reservation would not be applicable to this quota of 10%.

4. Mr. Bolkar submits that, no seniority list is being maintained and followed. There is every possibility of further process being undertaken flouting the norms.

5. Learned advocate Mr. Sonwane for the respondent Zilla Parishad submits that the seniority list of the Gram Panchayat employees has now been maintained on year to year basis.

6. When there is no dispute about the fact that 10% posts in the Zilla Parishad service are to be filled from the employees of the Gram Panchayat and when the seniority list is being maintained, coupled with the fact that, now the social reservation would not be applicable, it appears that the Zilla Parishad would now follow the norms and fill in the posts from that 10% quota strictly in tune with the notification dated 19.08.2019.

7. The apprehension that is being entertained by the petitioners now stands addressed and the afore-mentioned observations would be sufficient to dispose of the writ petition.

8. The writ petition to the extent of the petitioner No. 1 is disposed of as withdrawn with liberty as prayed for.

9. The writ petition to the extent of petitioner Nos. 2 and 3 is disposed of with direction to the respondent Zilla Parishad to follow the Government Resolution dated 19.08.2019 in its letter and spirit and shall make appointments strictly in accordance with the seniority list of the Gram Panchayat employees being maintained. No costs.

[SANDEEP V. MARNE, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 22