

Kukadi (Wadaj) Dam Project’.

2. It may not be necessary for us to refer to all the details submitted in the petition. Suffice it to say that following are the material facts which emerge from the perusal of documents placed on record.

3. The house property of the grandfather of Petitioner (Gangadhar Wagh) situated at Village Kusur, Tal: Junnar, District-Pune was acquired for project initiated by the State Government known as ‘Kukadi (Wadaj) Dam Project. As per the policy of State Government a certificate was issued to the petitioner. Copy of the said certificate is placed on record at ‘Exhibit-B’, page 37. In view of the said policy of State Government, the petitioner, being a Project Affected Person, was entitled for an employment in the State Government. The Government Resolution dated 21st January 1980 is placed on record at page 36A. The title of said Government Resolution reads thus “प्रकल्पग्रस्त व्यक्ती व त्यांच्यावर अवलंबून असणाऱ्या व्यक्तींना शासकीय सेवेतील वर्ग ३ व ४ मधील भरतीबाबत प्राधान्यक्रम”. It is stated in the said Government Resolution that though various benefits were granted to the Project Affected Persons, the benefits could not reach to those who are entitled for these benefits. There was a consistent demand for providing priority in selection process for the candidates in government employment and it is fit to place the Project Affected Persons or fit to provide the highest priority to such Project Affected Persons in the selection process.

i) The petitioner in response, to an advertisement, submitted his application issued through Registrar, District Court Thane and was

found eligible for interview for the post of Junior Clerk. Page 46 to the petition is an intimation to the petitioner to attend oral interview scheduled on 28th August 2018 as 10.30a.m. at District Court, Thane.

4. It is the submission of petitioner that inspite of fact that the petitioner was selected for interview, the State Government and Collector has not granted an employment to the petitioner. The Petitioner submitted representation apart from the selection process initiated in District Court, Thane. The petitioner also submitted his candidature in various departments. The details are submitted in the representation dated 15th December 2020. Now the said application/representation was pending before the authority and as there was no decision, the petitioner has approached this Court during the pendency of this writ petition, the representation is decided and the Collector by communication dated 4th October 2021 disposed of the application/representation. The copy of the decision dated 4th October 2021 is placed on record at Exhibit-K, page 88 to the petition.

5. It seems that even prior to Writ Petition No. 5513 of 2021, the petitioner had filed earlier Writ Petition No. 12114 of 2019 and those were allowed to be withdrawn. Now, the Collector, Pune in his decision dated 4th October 2021 referred to order of this Court dated 24th November 2020 passed in Writ Petition No. 12114 of 2019. (though the same is wrongly referred in the typed copy placed on record as 'Writ Petition No. 123114 of 2019'), has made reference to all the relevant facts in this communication such as the certificate issued in favour of the petitioner, the duties of the Collector under the relevant Act of 1999 i.e. issuance of certificate with the communication

of the State Government. On the basis of the Government Resolution dated 27th October 2009, the Collector, Pune ultimately informed the petitioner that the Collector Office, Pune only issued certificate to the eligible candidates as a project affected person and the Collector office, Pune is not undertaking any exercise for providing employment to the candidates. Thus the petitioner was properly informed the policy also.

6. We have made a reference to the Government Resolution dated 21st January 1980, wherein highest priority is provided to the Project Affected Persons. The submission of the learned counsel for the petitioner is that the decision on the representation of the petitioner ought to have been taken by the State Government and the Collector, Pune himself.

7. It is also a submission of learned counsel for the petitioner that the State Government ought to have certified any decision on the representation of the petitioner, that the petitioner is entitled for the highest priority as this is not done in the communication of the Collector, Pune. The State Government is directed to consider the representation and passed an independent order.

8. We see absolutely no reason to accept this submission of the learned counsel for the petitioner. At the cost of repetition, we state that the State Government has already framed a policy and under the said policy, as reflected in the Government Resolution dated 21st January 1980, a certificate of highest priority is given to the project affected persons in selection process. The Collector reiterated all these facts and such subject of the representation dated 15th October 2020

was application for permanent government job as Project Affected Person. The Collector, Pune made it clear that as the Collector is not undertaking the exercise for providing particular job to candidates or there is no process initiated by the Collector Office for selection of certifying candidates for a particular post.

9. Considering these aspects as well as orders passed by this Court in Writ Petition No. 5513 of 2021 on 24th November 2020 and in Writ Petition No. 12114 of 2019 on 15th December 2021 as well as order dated 4th October 2021.

10. In our opinion the Collector, Pune committed no errors in deciding the representation of the petitioner. The prayer of the Petitioner to direct the State Government to consider the representation afresh and pass the order specifying that the petitioner being Project Affected Persons, highest priority be given to the petitioner.

11. In our opinion it is unacceptable as general policy is framed by the State Government and it is not expected to communicate this policy decision of the State Government to each and every candidate individually. The petition in our opinion proceeds on wholly erroneous surmise and the petition thus devoid of any merits deserves to be dismissed.

(KISHORE C. SANT, J)

(PRASANNA B. VARALE, J)