

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4306 OF 2016

Shri Pravin Yashwant More ... Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

Mr. N. V. Bandiwadekar for the Petitioner.
Mrs. S. S. Bhende, AGP for the State-Respondent No.1.
Mr. Sameer K. Sawant for the Respondent No.2.

**CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.
DATE : 5th SEPTEMBER, 2022**

P.C. :-

. Mr. Bandiwadekar, learned Advocate for the petitioner submits that the petitioner participated in the selection process for the post of Assistant Superintendent. The petitioner was placed at serial no. 1 in wait list. The learned counsel submits that the petitioner is also a project affected person and is entitled to the preference for employment in the Government / semi-Government services. According to the learned counsel, no candidate from a PAP category was appointed. The petitioner made a detailed representation. The respondent no. 1 on 10th October, 2014 issued an order informing the respondent no.2 that on the basis of circulars and the rules, the respondent no.2 should give appointment to the petitioner. The respondent no.2 did not comply. As such the present petition is filed.

2. It is submitted that the Government also issued further orders on 20th January, 2015, 20th April, 2015 and 20th June, 2015 directing to appoint the petitioner, however, the respondent no. 2 did not comply.

3. The learned advocate for the petitioner further submits that after filling of the petition, two posts have become vacant, the person who was at serial no.1 in the selection list died and one was promoted.

4. The learned advocate for the respondent no.2 submits that the wait list is to be operated for one year, after one year the wait list lapses. The Government has also canceled the earlier orders directing the respondent no.2 to appoint the petitioner.

5. It appears that the Government had issued earlier orders directing the respondent no. 2 to appoint the petitioner on the ground that the petitioner is the project affected person and has a preference in the appointment. However, the Full Bench of this Court in case of ***Rajendra Pandurang Pagare and Anr. v/s. State of Maharashtra and Ors., 2009 SCC OnLine Bom 955*** has held that even the post of PAP has to be filled in through competition.

6. The petitioner was at serial no.1 in wait list, however, all the posts were filled in from the persons in the select list. The wait list certainly cannot be operated beyond the period of one year as per the rules applicable.

7. The wait list cannot be a source of fresh recruitment. Once the post advertised are filled in from the persons in the select list then the further wait list cannot be operated.

8. Even otherwise, the selection process was of the year 2013. The

Writ Petition is filed in the year 2016, after the wait list had lapsed.

9. For all the aforesaid reasons, no interference is called for. Petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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