

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

WRIT PETITION NO.6106 OF 2021

Sanjay Ramchandra Kshirsagar Petitioner
Vs.
The Chief Executive Officer,
Zilla Parishad, Solapur & Ors. Respondents

**WITH
INTERIM APPLICATION NO.3070 OF 2021
IN
WRIT PETITION NO.6106 OF 2021**

The Maharashtra Rajya Apang
Karmachari Adhikari (A to D)
Sanghatana, Dist. Solapur ...Applicant

In the matter between

Sanjay Ramchandra Kshirsagar Petitioner
Vs.
The Chief Executive Officer,
Zilla Parishad, Solapur & Ors. Respondents

**AND
INTERIM APPLICATION NO.3069 OF 2021
IN
WRIT PETITION NO.6106 OF 2021**

Shivanand Vitthal Bharle & Anr. ...Applicants

In the matter between

Sanjay Ramchandra Kshirsagar Petitioner
Vs.
The Chief Executive Officer,
Zilla Parishad, Solapur & Ors. Respondents

Mr. Ashok B. Tajane for the Petitioner.

Mr. Vivek Rane i/b Mr. Vijay Killedar for Respondent Nos.1 and 2.

Mr. N. K. Rajpurohit, AGP for the Respondent-State.

Mr. Sachin Raut for the Applicant in I.A. No.3069/2021.

Mr. Sarfaraj J. Shaikh i/b Mr. Sachin S. Gite for the Applicant in I.A. No.3070/2021.

**CORAM: S. B. SHUKRE &
G. A. SANAP, JJ.**

DATED : 28 MARCH 2022.

P. C.

Learned counsel for the petitioner was asked about an appointment order. He has invited our attention to a document appearing at page No.17. According to him, this document is the appointment order. Careful reading of this document shows that this is not the appointment order and it is a posting order as it directs the petitioner to report at the place shown against his name, it also refers to the appointment of teachers already made. So, the petitioner has not filed on record any appointment order.

2. According to learned counsel for the petitioner, no appointment order was issued to the petitioner. We direct respondent Nos.1 and 2 to clarify the position. At this stage, it does not appear to us that respondent Nos.1 and 2 would not issue any separate appointment order and would straightaway issue posting order. We also direct respondent No.1 and 2 to file on record the order of appointment and other relevant material. We also find that other persons whose names appear in the selection list have not been added as party respondents. If this petition is to be allowed, an

immediate consequence would be to disturb the order of seniority of other candidates appearing in the selection list and therefore, all the other candidates would be necessary party to this petition. Unless those are made party respondents, this petition cannot be heard effectively. We direct the petitioners to make all the persons who are likely to be affected by the result of this petition as party respondents here. Meanwhile, we allow Interim Application Nos.3070/2021 and 3069/2021 and direct the petitioner to add these applicants as party respondents. However, remaining persons likely to be affected by the result of this petition as already directed, would also be added as party respondents.

3. Amendment be carried out within a period of one week and thereafter notice be issued to all the newly added respondents by virtue of allowing of Interim Application Nos.3070/2021 and 3069/2021. These newly added respondents are represented by Mr. Sachin Gite and Mr. Satish Raut, learned advocates.

4. Stand over to 25/4/2022.

(G. A. SANAP, J.)

(S. B. SHUKRE, J.)