

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO.2079/2020

Devesh S/o Vijaykumar Kote,
aged about 41 Yrs., Occ. Service,
R/o Plot No.113, Om Nagar, Near
Neharu Nagar Zone, Sakardara,
Nagpur.

..Petitioner.

..Vs..

1. State of Maharashtra,
through it's Secretary,
State Excise Department,
Mantralaya, Mumbai.
2. Commissioner,
State Excise Department,
Maharashtra State, Mumbai.
3. Superintendent,
State Excise Department,
Collector Office Campus,
Civil Lines, Nagpur.
4. Member Secretary and Deputy
Director, Scheduled Tribe Certificate
Verification Committee, Amravati Division,
Amravati.

..Respondents.

Mr. Narendra D. Thombre, Advocate for the petitioner.
Ms S.S. Jachak, A.G.P for respondent Nos.1 to 4.

CORAM :- SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.
DATED :- 4.1.2022.

ORAL JUDGMENT *(Per Sunil B. Shukre, J.)*

Heard. **Rule.** Rule made returnable forthwith. Heard finally

by consent.

2. By this petition, the petitioner has sought a direction against respondent Nos.1 to 3 regarding appointment of the petitioner being treated as the one for an open category candidate. In paragraph 9 of the reply dated 7.6.2021 filed by respondent Nos.1 to 3, it is stated that the petitioner has been treated as an open category candidate in view of the provisions of Circular dated 13.10.2010 and subject to the decision of the instant petition.

3. As the petitioner is already treated as open category candidate, we are of the view that such action on the part of respondent Nos.1 to 3 serves the purpose of the petitioner and, therefore, confirming the action of respondent Nos.1 to 3 we dispose of the instant petition. We also direct respondent Nos.1 to 3 to consider releasing of all the service benefits to the petitioner in accordance with rules. Rule is made absolute on the above terms. No costs.

JUDGE

JUDGE