

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

Writ Petition No.4983 of 2021

Shri Subodh s/o Waman Yeole

vs.

*The Gat Gram Panchayat Adyal (Rehabilitation),
through its Secretary/Sarpanch & others*

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

*Mr. B.B. Dhandale, Advocate for the Petitioner.
Mr. R.J. Kankale, Advocate for Respondent No.1.
Mr. V.D. Raut, Advocate for Respondent Nos.2 & 3.*

CORAM : A.S. CHANDURKAR AND M.W. CHANDWANI, JJ.
DATE : 9th NOVEMBER, 2022.

Heard.

02] The challenge raised in this writ petition is to the appointment of respondent No.4 on the post of peon in Gat Gram Panchayat Adyal (Rehabilitation), Tahsil Bhiwapur, District Nagpur. According to the petitioner, respondent No.4 despite not being eligible for appointment on the post of peon, was granted such order of appointment. The petitioner made various representations including one dated 15/10/2018. The Deputy Chief Executive Officer on 28/08/2019 informed the Block Development Officer, Panchayat Samiti, Bhiwapur that the appointment of respondent no.4 was not in accordance with law. The Panchayat Samiti was, therefore, directed to cancel the appointment of respondent No.4. The grievance of the petitioner is that he ought to have been appointed in place of respondent No.4.

03] We have perused the documents filed along with the writ petition and heard the learned Counsel. It is seen from

the record that three applications were duly received pursuant to the notice for recruiting a peon at Panchayat Samiti. The Selection Committee awarded 55 marks to respondent No.4, 50 marks to one Suraj Talmale and 45 marks to the petitioner. It is thus seen that even if the appointment of respondent No.4 stands cancelled, the petitioner cannot be granted appointment in his place. It is further seen that the Gat Gram Panchayat has initiated fresh recruitment process for the post of peon by issuing notification/public notice on 20/02/2020. The learned Counsel for respondent No.3, however, submits that since the present proceedings are pending, no steps have been taken in the recruitment process.

04] In these facts, when the appointment of respondent No.4 has already been cancelled, the partial relief sought by the petitioner stands granted. In view of the fact that a fresh notice has been issued inviting the applications for appointment on the post of peon, the petitioner can be permitted to respond to that public notice within a period of 15 days from today. If the petitioner also makes such application pursuant to the aforesaid notice dated 20/02/2020, his application along with the applications of all other applicants shall be considered in accordance with law.

05] With these directions, the writ petition is disposed of. No costs.

JUDGE

JUDGE

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Signed by: SANDESH DAULATRAO
WAGHMARE
Private Secretary to the Hon'ble Judge
Date : 11.11.2022 15:49