

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

WRIT PETITION NO. 813 of 2019

Girijashankar Taklal Mahule and seven others.

Versus.

State of Maharashtra, through its Secretary, Ministry of Revenue & Forest Department, Mantralaya, Mumbai and one.

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Shri A.S.Moon, Advocate for petitioners.

Shri A.S.Fulzele, Additional Government Pleader for respondents.

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CORAM :- A.S.CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE :- OCTOBER 04, 2022

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The petitioners who are project affected persons seek a direction to be issued to the respondents to initiate recruitment process for appointment on Class-III and Class-IV posts in project affected persons category. It is the grievance of the petitioners that despite acquiring their lands for irrigation projects, the respondents have not initiated any recruitment process. In the result, on account of failure to issue any advertisement, the petitioners would be rendered age barred.

It is seen that the petitioners had earlier filed Writ Petition No.6595 of 2014 seeking a direction to absorb them in Class-III or Class-IV posts in the project affected persons category. In the light of the judgment of the Full Bench in *Rajendra Pandurang Pagare and Anr. Vs. State of Maharashtra and Ors.* [2009(5) ALL M R 830] this Court observed that the petitioner would be required to compete with other project affected persons as and when the advertisements would be issued by the Government.

We find that there is no legal right with the petitioners to insist upon the respondents to initiate recruitment process and issue an advertisement. The fact that the petitioners are likely to cross the upper age limit is taken

care of in the recruitment policy insofar as the project affected persons are concerned.

We thus observe that as and when the recruitment process is initiated by the respondents, the petitioners would be entitled to seek appointment in accordance with law in the category of project affected persons. No mandamus can be issued compelling the respondents to initiate recruitment process which is entirely within the domain of the respondents.

With these observations, the writ petition stands disposed of. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

Andurkar..