

jvs

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

WRIT PETITION NO. 555 OF 2020

Bharat Sivtam More	}	Petitioner
Versus		
The State of Maharashtra & Ors.	}	Respondents

Bhushan Raut for the petitioner.

Mr. R. P. Kadam, AGP for respondent no. 1.

Mr. Ambadas Chatuphale for respondent no. 2.

**CORAM: S. V. GANGAPURWALA, Act.CJ.&
SANDEEP V. MARNE, J.**

DATE: APRIL 19, 2023

P.C.:

- 1.** The petitioner seeks appointment on the post of Storekeeper pursuant to a selection process of the year 2013.
- 2.** The learned advocate for the petitioner submits that 35 posts were advertised and only 33 posts were filled in. The petitioner was placed at sr. no. 4 on the wait-list. Three (3) persons ahead of him did not join. The petitioner was entitled to be appointed as Storekeeper.
- 3.** The learned advocate for the petitioner submits that earlier the petitioner was provided with a copy of the wait-list only when the petitioner had filed a writ petition in the year 2018. The petitioner was continuously making representations. However, to no avail. The learned counsel for the respondents is relying upon the Rules of MPSC. However, the respondent Corporation has its own Rules; as such, they cannot rely upon the Rules of MPSC to contend that the life of wait-list is only one year.

4. We have also heard the learned advocate for the respondents.

5. In fact, the present writ petition would not be tenable. The petitioner had filed earlier writ petition, which came to be withdrawn. The petitioner could have insisted for his prayer to be considered for appointment in Writ Petition No. 8808 of 2018 filed by him earlier which he unconditionally withdrew on 11th June 2019. In view of the unconditional withdrawal of the earlier writ petition, the present writ petition would not be tenable.

6. Moreover, the selection process is of the year 2013. The writ petition is filed in the year 2020. Even on that count also, no relief can be granted to the petitioner.

7. The writ petition is disposed of.

8. No costs.

SALUNKE
J V

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(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)