

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

WRIT PETITION NO. 1642 of 2020

Ankush Ganesh Jawanjale

vs.

Union of India, through its Secretary, Ministry of Women and Child
Development, New Delhi-110001 and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.G.Ingle, Counsel for petitioner.

Mr N.S.Deshpande, Dy.Solicitor General of India for respondents 1 and 2.

CORAM :- ROHIT B. DEO AND MRS.VRUSHALI V. JOSHI, JJ.

DATE :- FEBRUARY 28, 2023.

The petitioner challenges the order passed by the Central Administrative Tribunal, Mumbai Bench, Camp at Nagpur, dated 06.11.2019 in O.A.211/00213/2017/1387 whereby the original application filed by the petitioner came to be dismissed.

2. It is the case of the petitioner that he had applied for the post of Laboratory Attendant with respondent no.3 and accordingly he was selected on the said post alongwith one Shri Diyesh Mukeshbhai Ahir. Accordingly respondent no.3 vide communication dated 04.09.2014 asked the petitioner to submit attestation forms alongwith medical fitness certificate from Government Hospital for verification to its office by registered post. According to the petitioner, the aforesaid documents along with medical fitness certificate have been sent through registered post to the office of respondent no.3 and the same were delivered to the office of the respondent no.3 on 23.09.2014 as per the track report. However, the respondent claimed not to have received the aforesaid

documents. Thereafter again on 11.11.2014 respondent no.3 called the petitioner to submit the aforesaid documents for verification to the office of respondent no.3 within 15 days failing which it would be considered that the petitioner is not interested to join on the post of Laboratory attendant and his candidature would be treated as cancelled.

3. Since the petitioner has not received any communication thereafter, he sought information with regards to his appointment under the Right to Information Act. It was informed to the petitioner that since there was a ban imposed by respondent 1 on 05.02.2015 on fresh recruitment to Group 'C' posts, respondent no.3 has not issued appointment order to him. According to the respondent, the verification forms of other candidates were received by the Department before the said date i.e. prior to imposition of ban on recruitment and as such, the appointments were given to the other candidates. Accordingly, he approached the Central Administrative Tribunal seeking directions with regards to his appointment on the post of Laboratory Attendant with effect from 04.01.2016 with all consequential benefits. The Central Administrative Tribunal dismissed the original application filed by the petitioner, against which order the petitioner approached this Hon'ble Court.

4. In the reply filed by the respondent-Department, it has admitted that the documents sent by the petitioner for verification were received on 23.09.2014 which date is prior to imposition of ban on recruitment. As such, the petitioner has complied with all formalities before imposition of the ban which aspect ought to have considered by the Central Administrative Tribunal while considering the Original Application by the petitioner.

5. Since we find that the petitioner has complied with all formalities before imposition of ban, he is entitled to be appointed from 04.01.2016 with notional benefits. However the petitioner shall not claim any monetary benefits.

6. The judgment impugned in this writ petition is quashed and set aside.

7. With the aforesaid direction, the writ petition is disposed of. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)

Andurkar..