



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

WRIT PETITION NO. 690/2023

(DR.SURESH BHAGWANJI REWATKAR **VERSUS** STATE OF MAHARASHTRA & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri I.G. Meshram, counsel for the petitioner.
Miss N.P. Mehta, Additional Government Pleader for the respondent nos.1, 5 and 6.
Shri S.S. Ghate, counsel for the respondent nos.3 and 4.
Shri B.G. Kulkarni, counsel for the respondent no.8.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : DECEMBER 19, 2023.

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Heard the learned counsel for the parties.

2. Pursuant to the advertisement published by the respondent no.4-Gondwana University, Gadchiroli (for short, 'University') on January 08, 2022, the petitioner had participated in the selection process for the post of Dean, Faculty of Science and Technology. In the select list, the name of the respondent no.7 appeared at Serial Number 1 while the petitioner's name appeared at Serial Number 2. Shortly after the appointment of the respondent no.7, he resigned from the said post. As a sequel to above, fresh selection process was undertaken by the respondent no.4-University.

3. On January 30, 2023, this Court while issuing notice in the present writ petition permitted the petitioner to participate in the fresh selection process which was initiated pursuant to the advertisement dated January 10, 2023 and made the outcome of the same subject to the result of the writ petition. However, the petitioner did not participate in the said selection process.

4. The learned counsel for the petitioner contends that once the respondent no.7 had tendered his resignation, the petitioner who was at Serial Number 2 should have been given the appointment. He would claim that there was no necessity in such an eventuality to publish another advertisement. The learned counsel for the petitioner further contended that the selection and appointment of the respondent no.8 pursuant to the advertisement dated January 10, 2023 is liable to be quashed and set aside and the direction needs to be issued to the respondent no.4-University to issue appointment order in favour of the petitioner pursuant to the select list dated July 17, 2022 wherein the petitioner was shown at Serial Number 2.

5. The learned counsel for the respondents would support the order impugned.

6. We have appreciated the rival pleadings.

7. The fact remains that as far as the respondent no.7 is concerned, he joined the post pursuant to the advertisement dated January 08, 2022 and thereafter resigned. The said process has culminated into publishing a fresh advertisement by the respondent no.4-University. There is no embargo shown to us in law so as to demonstrate that the second advertisement issued by the respondent no.4-University on January 10, 2023 is illegal. The contention raised on behalf of the petitioner that in stead of publishing a fresh advertisement, an appointment order should have been issued in favour of the petitioner who was at Serial Number 1 in the wait list, cannot be accepted for the reason that the petitioner did not ask for setting aside the appointment of the respondent no.7 well within time, which he claimed to be illegal.

8. Apart from above, the petitioner did not avail the liberty granted by this Court and has chosen not to participate in the selection process. That being so, we do not find that there is any exceptional case made out for this Court to exercise jurisdiction under Article 226 of the Constitution of India. The Writ Petition stands dismissed with no order as to costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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