



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**41 WRIT PETITION NO. 8249 OF 2022**

Shaikh Mohammad Mohsin Shaikh Saleem And Another

VERSUS

The State Of Maharashtra Through Its Secretary And Others

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Advocate for the Petitioner : Mr. D.R. Markad h/f A.N. Kakade

AGP for Respondents: Mr. N S Tekale

Advocate for Respondents 4, 5 : Mr. Dighe Pravin S.

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**CORAM : SMT. VIBHA KANKANWADI &  
S. G. CHAPALGAONKAR, JJ.**

**Dated : April 01, 2024**

**PER COURT :-**

1. Present petition has been filed for following reliefs :-

“B. That by issuing writ of mandamus or any other appropriate writ, order or directions in like nature, the impugned letter dated 8<sup>th</sup> July 2022 and 29<sup>th</sup> September 2021 (Exh.J and Exh.L) issued by respondent no.3 Joint Director of Technical Education, Aurangabad Region, Aurangabad may kindly be quashed and set aside.

C. That by issuing writ of mandamus or any other appropriate writ, order or directions in like nature, the respondent nos.4 and 5 may kindly be directed to submit the appointment proposal of the petitioners with respondent no.3 and further respondent no.3 may kindly be directed to consider the petitioners claim on its merits.”

2. We have heard learned advocates appearing for respective parties and perused the documents on record.

3. The petitioners had taken part in the selection process in pursuant to the advertisement dated 30.9.2019 issued by the respondent nos.4 and 5. Petitioner no.1 had

applied for the post of Store Keeper and typist-cum-clerk and petitioner no.2 applied for the post of Laboratory Attendant. Petitioners contend that after following due procedure they were declared to be selected. However, the appointment orders were not issued due to Covid-19 situation. Petitioners also contend that thereafter there were communications exchanged with respondent no.3 but respondent nos.4 and 5 have not issued the appointment order.

4. Taking into consideration contents of the petition and documents, it can be seen that petition is by selected candidates and it is a trite of law that selected candidates have no right to get the letter of appointment that too from a private institution i.e. respondent nos.4 and 5, who are the minority institutions, against whom a writ of mandamus has been sought by invoking writ jurisdiction of this Court. In view of the said fact, no case is made out. Petition stands **disposed off**.

( S. G. CHAPALGAONKAR, J. )      ( SMT. VIBHA KANKANWADI, J. )

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aaa/-