



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

WRIT PETITION NO. 9611 OF 2024

HINA KAUSAR MOHAMMAD RIYAZ

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS CHIEF PRINCIPAL
SECRETARY AND OTHERS**

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Mr. S. B. Ghatol Patil, Advocate for the Petitioner

Mr. S. K. Tambe, AGP for the Respondent – State

Mr. A. R. Nikam, Advocate for Respondent No.4

Mr. V. D. Patnoorkar, Advocate for Respondent Nos. 6 and 7

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 06.09.2024

PER COURT :-

1. In several matters that have come before us, our order dated 14.09.2023, delivered in a large group of cases (Writ Petition No.8534 of 2023 and group of cases), is cited as a ground for seeking issuance of an appointment order. We are gathering an impression that our order is misread. Vide the said order, we had only concluded as to which should be the qualifications that would render a candidate eligible for appearing for the Teacher

Aptitude and Intelligence Test (TAIT). We had not issued any directions to the prospective employers to select and appoint candidates. Such a direction under the Writ of Mandamus could not have been issued.

2. Today, in this Petition, the Petitioner prays that we should direct the prospective employer to issue an appointment order to the Petitioner, because he is selected. It is settled law that mere selection does not give a right to seek an appointment order.

3. The learned AGP and the learned Advocate for the Zilla Parishad, submit that it is the domain of a prospective employer to check the antecedents of a candidate who is shortlisted. The prospective employer has to take a decision whether the candidate would be suitable for the organization.

4. The reports of the Police authorities including the Cyber Cell at Pune, are awaited.

5. In view of the above, the Zilla Parishad is at liberty to carry out an assessment of the antecedents of the Petitioner and if it is convinced that the Petitioner is a candidate suitable for the

organization, an appropriate decision can be taken. We are not issuing a Writ of Mandamus to the prospective employer to act in a particular manner.

6. With the above observations, **this Writ Petition is disposed off.**

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS