

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 5667 OF 2024

Sujit Manohar Patil. ... Petitioner.
V/s.
The Panvel Municipal Corporation and others. ... Respondents.

Mr.Abhinav Chandrachud with Mr.Tushar R. Momaiyah i/b.
Ram and Co. for the Petitioner.
Mr.Shreekant V. Gavand for Respondent Nos.1 and 2.
Mr.K.S.Thorat, 'B' Panel Counsel for Respondent No.4- State.

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**CORAM : NITIN JAMDAR, AND
M.M. SATHAYE, JJ.**

DATE : 13 August 2024.

P.C. :

Heard the learned counsel for the parties.

2. The Petitioner has applied for the post of Chief Fire Officer with the Respondent No.1- Panvel Municipal Corporation. The Petitioner is working as Divisional Fire Officer in Pune Municipal Region Development Authority. The Petitioner received an order dated 14 March 2024 informing him that the Petitioner is not eligible to be appointed to the post of Chief Fire Officer. This order is the subject matter of the present petition.

3. The contention of the Petitioner is that the impugned order has changed the rules of 'game' and after the 'game' that is the selection process has commenced. That is, by the impugned order, the eligibility criteria is changed/ modified than the specified in the advertisement, which is not permitted. It is also contended that even otherwise the Petitioner continues to be eligible and has sufficient experience.

4. The learned counsel for the Respondent- Corporation submits that that the impugned order clearly states that the membership of the concerned organization from United Kingdom is acquired by the Petitioner by payment and not by passing a particular examination as there is no reference to such examination which the Petitioner has passed. He seeks time to file reply. The learned counsel for the Petitioner submits that in the meanwhile the concerned post should not be filled in.

5. The impugned order is of March 2024. We note that the petition was filed in April 2024. We also note that it was moved during Summer Vacation, however, it was adjourned. No interim relief was granted at that time. We are informed that the position as on today is that the candidate at Serial No.2 is called for documents verification and if the documents are found to be in order, he would be given necessary appointment order.

6. Considering the nature of the post which has remained vacant till today and considering the position as on today, we are not inclined to stay the process of appointment. However, we direct that if any candidate is given appointment to the said post, the same will be subject to the outcome of this petition and no equities will be claimed by the candidate. If such an appointment order is issued to any candidate, we grant leave to the Petitioner to join the said candidate as party respondent.

7. The Respondent- Corporation to file reply by 19 August 2024. Stand over to **20 August 2024**, to be taken after the fresh admission matters.

8. We make it clear that if the Respondent- Corporation by themselves wants to defer issuance of the appointment order, it is open for the Respondent- Corporation to do so.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)