



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15702 OF 2024

Zubair Shah Gulamgaus Shah And Anr.

...Petitioners

Versus

The State Of Maharashtra Thr.

Prin. Secretary, School

Education And Sports Dept. And Ors.

...Respondents

...

Adv. Vinod Sangvikar a/w Yogesh Morbale for the Petitioners.

Adv. Aditya R. Deolekar, AGP for Respondent Nos. 1 & 2.

...

CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.

DATE : 28th NOVEMBER, 2024

Per Court :-

1. We have considered the submissions of the learned Advocate for the Petitioners and have perused the Petition paper book, with his assistance. We have also gone through the order passed by this Court, dated 14th September, 2023 at Aurangabad in a large group of Petitions (*Writ Petition No.8534 of 2023, Hina Kausar Mohammad Riyaz vs. State of Maharashtra And Ors.*).

2. The learned Advocate for the Petitioners has vehemently

submitted that the Petitioners should be issued the appointment orders. The learned AGP submits that the Petitioners may be selected, but the appointing Authority desires to check the antecedents of the Petitioners.

3. It is well settled that selection does not give a right to appointment. Nevertheless, a selected candidate does have a right for being considered for appointment. At the same time, even an employer who desires to engage a selected candidate and issue an appointment order, does have a right to check the antecedents of a candidate and if the character of the candidate is seriously tainted, an employer can take a conscious decision whether to engage such a candidate or not.

4. In view of the above, **this Writ Petition is disposed off** with the observation that those Petitioners whose character verification does not indicate any adverse remark, should be considered for appointment in order of merit, as per the list of selected candidates. If a candidate suffers an adverse report, liberty to such candidate to avail of a remedy as is permissible in law.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)