

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 17049 OF 2024

Shravani Sandip Jitkar & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

Mr. Ratan Adhe, Advocate for the Petitioners.

Ms. R. A. Salunkhe, AGP for Respondent Nos.1 to 4.

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

DATE : 27th NOVEMBER, 2024

P.C. :-

1. The Petitioners have not placed on record any advertisement by which it can be said that ten posts as 'Community Health Officers' has been advertised. What appears from Page No. 29 is that the National Health Commission, Mumbai published an advertisement calling for applications from candidates who were desirous of completing the various courses. In short, the advertisement was aimed at inviting applicants to enroll themselves for the course of their choice. If there is no advertisement for appointing Community Health Officers, which is naturally public

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Employment, the question that arises is how can ten persons be appointed without advertisement and without following the due procedure required to be followed for carrying out recruitment in public Employment.

2. We are intrigued by the contention of the Petitioners that they are wait listed candidates, as is visible from Page Nos.89 and 90 and they have to be accommodated on six posts, over and above the ten posts on which ten candidates have been selected.

3. Since it is a matter of circumspection as to whether any advertisement was published and the procedure for recruiting persons in public Employment was followed, the appointments or even the claims of the Petitioners who are wait listed, cannot be considered.

4. The learned AGP submits that she would take instructions and enter an affidavit in reply so as to place the facts before the Court.

5. **Issue notice** to the Respondents, returnable on **6th January, 2025**. The learned AGP waives service of notice on behalf

of Respondent Nos.1 to 4.

6. The Petitioners shall serve Respondent Nos.5 and 6, in addition to Court notice, by Speed Post/R.P.A.D and tender a service affidavit.

7. We make it clear that the State Authorities can proceed to make the appointments of only those candidates who are selected against vacant posts, provided such posts were duly advertised and the procedure for recruitment in public Employment was scrupulously followed. No other appointment shall be made.

8. All office objections to be removed on or before 18th December, 2024, failing which, the Petition would stand dismissed without reference to the Court, on 19th December, 2024.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)