



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

66 WRIT PETITION NO. 6828 OF 2018

VAIJANATH KASHINATH JADHAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioners : Mr.Kamble Dinkar G.
AGP for Respondent/State : Mr. A.V. Lavte
Advocate for Respondent no.3 : Mr. Navandar M.N.

...
AND
WRIT PETITION NO. 3311 OF 2019
AND
WRIT PETITION NO. 3315 OF 2019

...
CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL-JADHAV, JJ.

DATED : 15th DECEMBER, 2025.

ORDER :

. By Writ Petition No. 6828/2018 filed under Article 226 of the Constitution of India, the petitioners seek direction to respondent no.3 to issue appointment orders in their favour from Project Affected Person's Category being more meritorious candidates than the candidates selected and appointed by respondent no.3.

2. Heard learned Advocate for the petitioners, learned Advocate for respondent no.3 and learned A.G.P for State. Perused the Writ Petition Memos, grounds raised therein, annexures thereto, affidavit in reply filed by respondent no.3 and rejoinder affidavits filed by the petitioners.

3. The petitioners applied pursuant to the advertisement

dated 26.08.2009, which was issued for various posts. Out of them 32 posts of labourers from Scheduled Caste Category were reserved for Project Affected Person Category. Petitioners applied pursuant to the said advertisement from Project Affected Person Category. The grounds on which the petitioners were not selected are mentioned by respondent no.3 in the affidavit in reply.

4. So far as petitioner no.1 is concerned, it is mentioned that his family member's Vithabai Umaji Jadhav and Kishan Laxman Jadhav were appointed in University service against the post of Project Affected Person Category, vide orders dated 10.10.1984 and 28.05.1990 respectively.

5. So far as reasons assigned while rejecting the claim of petitioner no.3 is concerned, it is stated by respondent no.3 that house no.22 mentioned in Project Affected Certificate of the petitioner does not match with the award passed by the Land Acquisition Officer as well as University record. House No.22 is shown in the name/ownership of Trimbak Sakharam.

6. The petitioner by filing rejoinder has relied on the letter dated 19.01.2018 addressed by the Deputy Collector (Rehabilitation), Parbhani stating that his office record shows that on 07.07.1999, PAP certificate was issued to one Sham Sambhaji Jadhav, who is dependent on Sambhaji Honaji Jadhav, owner of house no.22 as the said house was acquired. It is stated in the said letter that house no.22 is inadvertently mentioned, infact house no.72 was acquired and therefore, on the said certificate house no.72 be mentioned.

7. Faced with this situation, learned Advocate for third respondent fairly submits that case of petitioner no.3 will be considered afresh by respondent no.3 after verifying the documents.

8. As far as petitioner no.4 is concerned, since he failed to attach PAP certificate along with his application form, his case is not considered.

9. Learned Advocate for respondent no.3, on instructions, submits that case of petitioner no.4 will be considered on its own merits subject to him producing the necessary documents.

10. So far as petitioner no.5 is concerned, his case was not considered by the Selection Committee of respondent no.3 on the ground that in the PAP certificate attached by the petitioner, house no.73 is shown to be owned by the petitioner's family. However, one Laxmibai Waman Jadhav is appointed for acquisition of the said house by order dated 01.11.1985, the petitioner has not annexed genealogy along with the application form, which was required.

11. Learned Advocate for the petitioner submits that his grandmother's name was Rukhminibai and not Laxmibai. We are not going into the disputed questions of facts. The fact remain that in the e-statement annexed by the petitioner along with his rejoinder, name of Laxmibai Waman is mentioned as co-owner of house no.73. In this view of the matter, no fault can be found with the approach of respondent no.3 in rejecting the claim of the petitioner no.5.

12. While rejecting the claim of petitioner no.6, it is stated that

father of the petitioner Sonaji Laxmanrao Kamble was appointed in the University by order dated 12.01.1984. The copy of the appointment order is placed on record. In the appointment order dated 12.01.1984, Sonaji Laxman Kamble's name appears at Sr. No.509. Admittedly, only one person can be given benefit of Project Affected Person, hence the respondents are justified in denying the appointment to the petitioner no.6.

13. So far as petitioner in Writ Petition No.3311/2019 is concerned, the petitioner's claim for appointment under PAP category, in response to the same advertisement mentioned in the above order, is rejected on the ground that his mother is already appointed from PAP category. Petitioner's mother Sagarbai Limbaji Bharkad is appointed from PAP category on 14.08.1985.

14. Learned Advocate for the petitioner tried to place reliance on the order passed by this Court in Writ Petition No. 3568/2018 dated 24th June, 2019, wherein this Court was considering the case of eight persons, whose lands were acquired from the family of the petitioners therein, the persons appointed were from the branch of one Sakharam and Sheshrao and no appointment was made from the branch of Datta. Petitioner claimed to belong to the branch of Datta. Hence, this Court directed respondent no.3 to take decision afresh after verifying the documents.

15. Such are not the facts in this case. Here petitioner's mother is given appointment and therefore, the petitioner is not entitled for appointment.

16. Petitioner in Writ Petition No.3315/2019 is denied appointment from PAP category as his grand-mother Sakubai Ganpati Ubale was appointed by order dated 01.11.1985. The appointment order of grand-mother of petitioner is placed on record by respondent no.3 along with affidavit in reply. Only one appointment can be made from PAP category. The petitioner, therefore, cannot claim appointment as of right, particularly, when only one appointment can be made. Petition, is therefore, devoid of merits.

17. In the light of the above, we find no merit in the claim of petitioner nos.1, 5 and 6 in Writ Petition No.6828/2018, therefore, their petition is dismissed.

18. Respondent no.3 shall consider the case of petitioner nos.3 and 4 in Writ Petition No.6828/2018, afresh on merits after the petitioners submit necessary documents in support of their claims.

19. Writ Petition Nos.3315/2019 and Writ Petition No.3311/2019 being devoid of merits, are dismissed.

(VAISHALI PATIL-JADHAV,J.)

(NITIN B. SURYAWANSHI,J.)