



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

WRIT PETITION NO. 977 OF 2025

JALINDAR MARUTI BACHKAR AND OTHERS

VERSUS

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

...

Ms.Sonawane Sunita G., Advocate for the Petitioners.

Shri Amar V. Lavte, AGP for Respondent Nos.1 to 3/State.

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CORAM : MANGESH S. PATIL

&

PRAFULLA S. KHUBALKAR, JJ.

DATE : 20th January, 2025

Per Court :-

The petitioners claim to be project affected persons.

Their lands having been acquired for Mula dam, they are now seeking a writ of mandamus directing respondent No.4 Agricultural University to consider them as competent and eligible to participate in the recruitment process being undertaken pursuant to the advertisement dated 31.12.2024 (exhibit D).

2. The learned advocate for the petitioners adverts our attention to the order passed by the Division Bench of this Court in Writ Petition No.2027/2013 (*Thakaji Khandu Kolekar and*

others vs. The State of Maharashtra and others) dated 17.06.2015 (exhibit C), to substantiate their claim inasmuch as it was directed that in case of any recruitment process being undertaken by the same University in future, the posts would be filled in from Project Affected Persons (PAP) category and they would be considered for 50% posts reserved therefor. Though it was not indicated, this was presumably in the light of the reservation contemplated and available to the Project Affected Persons pursuant to Section 6(c) of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 (hereinafter referred to as ‘the Act of 1999’).

3. We have considered the submissions. Heard even the learned AGP. Section 6(c) of the Act of 1999 reads as under:-

- “6. *Duties and functions of project authority.*
It shall be the duty of the project authority,-
- (a) *.....*
 - (b) *....*
 - (c) *subject to any reservations validly made and subject to availability of posts, to give highest priority in Class III and Class IV category of service on the project establishment, to one member of the affected family nominated by the affected person, if such member is eligible for such employment according to the recruitment rules for such posts :*
Provided that, while recruiting a member of the affected family, against such

quota, the project authority shall, as far as possible, employ not less than fifty per cent. of such nominees who are affected by the project under execution, as may be prescribed ;

Explanation.- For the purpose of this clause the expression "family" means the spouse, son, married or unmarried daughter or brother or sister or daughter-in-law or grandson, or grand-daughter (which includes son or daughter of the daughter also) of the affected persons, or adopted son or daughter who is residing with and is dependent on such affected person."

4. Admittedly, the advertisement in question, though does not specifically refer to this provision, expressly indicates that the process being undertaken is merely for recruitment to Class C and Class D posts to the extent of 50% of vacancies available to the persons affected by the project undertaken by the respondent University. It also expressly debars any other project affected person like the petitioners from participating in the process.

5. On concession, this Court had passed the order on 17.06.2015 (supra) and particularly paragraph 4, which reads as under:-

"4. Selection process pursuant to the

advertisement issued in 2008-09 is already culminated in the year 2010. The Petition itself is filed in the year 2012. Still the posts are available for the PAP category. Letter is issued by the Government dated 21.08.2013 regarding the manner of filling in the posts from PAP category. In case, in future, respondent No.4 fills in the posts from PAP category only, the persons from PAP category like petitioners would be considered for 50% posts which are reserved for the PAP category.”

6. A bare look at this paragraph indicates that the observations cannot be regarded as superseding the statutory mandate prescribed under Section 6(c) of the Act of 1999, at least does not give any such indication.

7. Even if the petitioners are project affected persons in respect of some other project not being the project of the respondent University, they could have their independent right against the category of reservation available to them, but cannot seek to encroach upon special reservation available to this special category of affected persons as laid down under Section 6(c) of the Act of 1999.

8. The Writ Petition is dismissed.