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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 432 OF 2024

Sachin S/o. Balasaheb Raner,
Age: 34 years, Occu.: Service,
R/o. Plot No.47, Madhava Nivas,
Ramdas Nagar, Karegaon Road,
Parbhani.

... Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Agricultural Department,
Manatralaya, Mumbai.
2. The District Collector,
Parbhani, District Parbhani.
3. The Deputy Collector (Rehabilitation)
and District Rehabilitation Officer,
Parbhani, Collector Office,
Parbhani.
4. The Vasantrao Naik Marathwada
Agricultural University Parbhani (VNMKV)
Through its Registrar,
Administrative Building Basmat Road,
Kalikaman, Parbhani.
5. The Registrar VNMAU, Parbhani,
Kalikaman Basmat Road, Parbhani.
6. The Selection Committee
in respect of Advertisement
No.VNMKV-1/2014 dated 25.11.2014
Through its Member Secretary,
Assistant Registrar (Administration),
VNMKV, Parbhani.

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7. Kapil S/o. Pralhadrao Nivral,
 Age: 33 years, Occu.: Service,
 R/o. Nirvat Nivas, Maruti Nagar,
 Selu, Tq. Selu, Dist. Parbhani.
 Presently: Office of Associate Dean
 and Principal, Agricultural College,
 Vasantrya Naik Marathwada
 Agricultural University, Parbhani.

... Respondents

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Mr. Sudhir K. Chavan, Advocate for Petitioner
 Mr. S.B. Narwade, AGP for Respondents No.1 to 3
 Mr. M.N. Navandar, Advocate for respondents No.4 to 6
 Mr. M.V. Solunke, Advocate for Respondent No.7

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**CORAM : SMT. VIBHA KANKANWADI AND
 HITEN S. VENEGAVKAR, JJ.**

RESERVED ON : 03 FEBRUARY, 2026

PRONOUNCED ON : 26 FEBRUARY, 2026

JUDGMENT [Per Hiten S. Venegavkar, J.] :-

1. Rule. Rule is made returnable forthwith. With the consent of the parties, the petition is taken up for final disposal at the stage of admission.

2. This petition under Article 226 of the Constitution of India presents a matter which, though arising out of an individual service claim, raises issues of institutional discipline, fidelity to judicial orders, and the limits of administrative authority when confronted with binding directions of a constitutional court. The petitioner challenges the communication dated 15.09.2023 issued by Respondent No. 5, the Registrar of Vasantrya Naik Marathwada Krishi Vidyapeeth, Parbhani,

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whereby his candidature for the post of Agricultural Assistant (Graduate) under the horizontal reservation for Project Affected Persons (PAP) from the General category has been rejected. The petitioner also assails the subsequent corrigendum dated 07.06.2023, by which the appointment of Respondent No. 7 was sought to be altered in its category classification.

3. The factual matrix, when stated sequentially, reveals a persistent failure of the authorities to adhere to statutory mandate and judicial discipline. Land belonging to the petitioner's grandfather, bearing Survey No. 26/1 at Village Balsa (Kh), Parbhani, was acquired for the establishment of the Agricultural University. A Project Affected Person (PAP) certificate was duly issued in favour of the petitioner's grandmother on 22.09.1989 by the competent authority. It is undisputed that no member of the family has availed service benefit under the said certificate. Upon application and after due verification, the petitioner's name was entered as nominee on 30.05.2007. The validity of the certificate has never been questioned or cancelled.

4. On 25.11.2014, the respondent university issued an advertisement for 47 posts of Agricultural Assistant (Graduate). Out of these, two posts were reserved horizontally for Project Affected Persons, one for Scheduled Caste PAP and one for General PAP. Clause 24 of the

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advertisement specifically prescribed 25.12.2014 as the cut-off date for satisfying eligibility conditions. Clause 24 of the advertisement reads thus:

“२४. अर्जदाराने अर्ज केलेल्या पदाकरिता आवश्यक शैक्षणिक अर्हता, अनुभव, वय इत्यादी बाबींची पूर्तता अर्ज स्विकारण्याच्या शेवटच्या दिनांकास म्हणजेच दिनांक २५.१२.२०१७ पर्यंत विचारात घेतले जाईल.”

5. The petitioner, being a graduate in Agriculture from the respondent university and possessing a valid PAP certificate pertaining to the very establishment for which land had been acquired, submitted application under the General PAP category of same establishment. The petitioner appeared for the examination and secured 142 marks. Respondent No. 7 secured 152 marks. In the initial selection list, the petitioner's name did not find place in the selected candidates. Upon objection, a revised list was published. It is the petitioner's categorical case that he was the only candidate possessing a PAP certificate from the same establishment under the General category, and that the vacancy reserved for such category remained available for appointment.

6. Apprehending favoritism and illegal approach of authorities in appointing Respondent No. 7, the petitioner approached this Court by filing Writ Petition No. 8479 of 2019. By a reasoned judgment dated 14.10.2022, this Court set aside the appointment of Respondent No. 7

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and directed the respondent authorities to consider the petitioner's candidature for appointment, if found fit and eligible, with effect from 06.08.2019 and with consequential benefits except back wages. In the said judgment in Writ Petition No. 8479 of 2019, this Court held as under:

"16. On account of the impugned action of the respondent-university, both the posts reserved for PAP have been filled from non university-PAPs. This not only violates the specific stipulation in the advertisement, but is violative of the provision of Section 6 of the Act of 1999."

17. We are therefore of a considered view that the respondent-university ought to have reserved one out of the two posts available from PAP category for university-PAP. Since one post in S.C. category was already filled in before filing of the petition, the remaining post in general/open category ought to have been given to the university-PAP. We therefore hold that the appointment of the respondent No. 4, being a non-university project affected candidate is in violation of the provisions of Section 6 of the Act of 1999 as well as specific stipulation in the advertisement.

18. Mere appointment of the petitioner in another establishment on temporary basis or continuance of the respondent No. 4 on the post for three years would not be a reason to deny the relief to the petitioner. He cannot be denied regular and permanent appointment only on account he being engaged on temporary basis in another establishment or because the respondent No. 4 has been working on the post for three years. In fact, the respondent-university ought not to have made appointment of respondent No. 4 after filing of the present petition. The appointment of the respondent No. 4, made during pendency of present petition, was obviously subject to the outcome of the same.

19. We, therefore, allow the petition by setting aside the appointment of the respondent No. 4 and direct the respondent-university to consider the candidature of the petitioner for being appointed on the post of Agriculture Assistant (Graduate) and if found fit and eligible, appoint him on that post with effect from the date of appointment of the respondent No. 4 i. e. 06.09.2019 with all consequential benefits except backwages."

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7. The judgment examined Section 6 of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 and the terms of the advertisement in detail. It also took note of the fact that the petitioner had, in the interregnum, obtained temporary employment elsewhere, and categorically held that such temporary employment could not defeat his rightful claim flowing from the selection process.

8. It is material to note that the judgment dated 14.10.2022 has attained finality. Its findings bind the parties. Instead of implementing the said judgment in its true letter and spirit, the university sought an opinion from the Deputy Collector, Acquisition Department, Parbhani, regarding the validity of the petitioner's PAP certificate. By communication dated 10.05.2023, the Deputy Collector opined that the petitioner had accepted employment in the Agriculture Department, Latur Division, and therefore, had already availed benefit under the certificate, and under Government Resolution dated 21.01.1980, the benefit could not be availed again. Based upon this opinion, the respondent university issued the impugned communication dated 15.09.2023, rejecting the petitioner's candidature.

9. The learned counsel for the petitioner submitted that the impugned order is in clear violation of the earlier judgment of this

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Court. It was argued that eligibility has to be tested as on the cut-off date prescribed in the advertisement. The petitioner's temporary appointment in May 2020 occurred long after the cut-off date and even after the wrongful appointment of Respondent No. 7. The earlier judgment had expressly considered the fact of such temporary employment and held that it could not be a ground to deny appointment. The respondents, by resurrecting the same ground, have acted in defiance of judicial directions. It was further contended that the Government Resolution of 1980 cannot override the provisions of the 1999 Act, and that horizontal reservation for PAP candidates cannot be nullified by executive instructions.

10. On behalf of Respondents 4 to 6, it was argued that the earlier judgment directed only consideration of the petitioner's candidature, subject to eligibility and fitness. It was contended that upon seeking clarification from the Deputy Collector, it was revealed that the petitioner had already availed benefit under the certificate and therefore stood disentitled. It was submitted that permitting repeated use of the certificate would frustrate Government policy.

11. The learned AGP submitted that the communication dated 10.05.2023 was merely an opinion rendered upon query and that the university was free to take its own decision.

12. Having heard the parties at length and perused the material on record, we are compelled to record that the impugned action reflects a clear misunderstanding of the binding nature of judicial directions and the limits of administrative discretion. The earlier judgment of this Court had conclusively determined three aspects; first, that the petitioner's claim under the General PAP category from the same establishment required due consideration; second, that the appointment of Respondent No. 7 in derogation of statutory mandate was unsustainable; and third, that the petitioner's temporary employment elsewhere could not be treated as a disqualification. These findings were not tentative observations; they formed the ratio of the decision.

13. The impugned rejection order is nothing but a reintroduction of a ground already adjudicated. The temporary employment of the petitioner occurred subsequent to the selection process and subsequent to the wrongful appointment of Respondent No. 7. Eligibility must be assessed with reference to the cut-off date in the advertisement. The Hon'ble Supreme Court in *Ashok Kumar Sharma v. Chander Shekhar* (1997) 4 SCC 18, has reiterated that eligibility conditions are to be satisfied on the last date prescribed. Subsequent events cannot retrospectively defeat accrued rights.

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14. The reliance upon Government Resolution dated 21.01.1980 is equally untenable. Executive instructions cannot override statutory provisions. Section 6 of the 1999 Act confers statutory reservation in public employment for project affected persons. There is no provision in the Act stipulating that acceptance of temporary employment extinguishes future entitlement arising from a prior selection process. Even otherwise, the policy speaks of benefits to one member of the family. There is no dispute that the petitioner is the sole beneficiary. The certificate has not been cancelled or declared invalid. The communication of the Deputy Collector dated 10.05.2023 is in the nature of an administrative opinion. It does not purport to invalidate the certificate. It does not take into account the binding judgment of this Court. The university cannot treat such opinion as a legal mandate overriding judicial directions.

15. We must now address the conduct of the respondent university in issuing the corrigendum dated 07.06.2023, whereby the appointment of Respondent No. 7 was purportedly converted from General PAP category to pure General category. This Court had, in unequivocal terms, set aside the appointment of Respondent No. 7 in the earlier judgment. The effect of that judgment was to nullify the appointment as it stood. The subsequent issuance of a corrigendum altering the

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category of appointment, without fresh advertisement, without fresh selection, and without judicial sanction, is an action that borders upon institutional impropriety. It conveys the impression that the authorities were determined to preserve the appointment of Respondent No. 7 at any cost, even if it required recharacterising the basis of appointment post facto. Such conduct cannot be countenanced. Administrative authorities are not at liberty to devise mechanisms to neutralize or overreach judicial pronouncements. The rule of law demands obedience, not ingenuity in evasion. Any attempt, direct or indirect, to dilute the effect of a court's judgment strikes at the heart of constitutional governance. We record our strong disapproval of this practice. The university and its officers are hereby cautioned that future attempts to alter, circumvent, or render otiose judicial orders by administrative stratagem will invite serious consequences, including proceedings for contempt. However, since no candidate from the General category has challenged the appointment of Respondent No. 7 and considering that he has continued in service for several years, we refrain, in the peculiar facts of this case, from disturbing that appointment. Our restraint should not be construed as approval. The legality of that appointment remains open to challenge in appropriate proceedings. In the totality of circumstances, we find that the impugned communication dated 15.09.2023 is legally unsustainable. It violates

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the binding judgment of this Court, misapplies executive instructions, and disregards settled principles governing eligibility and horizontal reservation. Hence, we proceed to pass the following order:

ORDER

- (i) The writ petition is partly allowed.
- (ii) The communication dated 15.09.2023 issued by Respondent No. 5 is quashed and set aside.
- (iii) The respondents are directed to issue an appointment order appointing the petitioner to the post of Agricultural Assistant (Graduate) against the vacancy reserved for General Project Affected Persons of the same establishment pursuant to advertisement dated 25.11.2014. The appointment shall take effect from 06.08.2019 with all consequential benefits except back wages, in terms of the earlier judgment dated 14.10.2022 in Writ Petition No.8479 of 2019 delivered by this Court.
- (iv) The appointment order shall be issued within four weeks from the date of this judgment.

16. Rule is made absolute in the above terms. There shall be no order as to costs.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE