



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 6221 OF 2025

Manish s/o Keshkumar Singh
Vs.

State of Maharashtra, Thru. Its Additional Chief Secretary, Home Department, Mantralaya,
Mumbai and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Sejal V. Bhandwalkar, Advocate for petitioner.
Mr. J.Y. Ghurde, AGP for respondents/State.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 12.01.2026

The challenge raised in this petition is to the judgment and order dated 18.09.2024 passed by the Maharashtra Administrative Tribunal, Nagpur Bench, Nagpur, in original Application No.150/2019, thereby denying the relief claimed by the petitioner to consider his name for grant of appointment in view of the fact that one of the selected candidate resigned and his name in the wait list was at Serial No.1.

2. In the selection process for recruitment of Police Constable in pursuance of the advertisement dated 05.02.2018, the petitioner participated and after the selection list was published, the name of the petitioner was

placed at Serial No.1 in the wait list. Before the expiry of one year period of the wait list, one Mr. Khan, resigned for the said post and accordingly, there was a vacancy. Petitioner, therefore, approached to the Tribunal by filing Original Application No.150/2019 for considering his case for appointment in place of Shri Khan.

3. The learned Tribunal vide impugned judgment rejected the original application filed by the petitioner by recording the following observations in para (5). The para 5 reads thus:

“5. Nothing is on record to show, what is the present position. The recruitment process must have been completed. Applicant is claiming for the post of reserved category of Police child as per advertisement dated 05.02.2018. Merit list is also not filed on record. One of the candidates is also shown to be selected provisionally. After the advertisement dated 05.02.2018, another advertisement was issued on 27.03.2018. Therefore, the effect of advertisement dated 05.02.2018 cannot be given. Hence, we do not find any merits in this O.A. Therefore, we proceed to pass the following order :

ORDER

The O.A. is dismissed with no order as to costs.”

4. The learned counsel for the petitioner in the above referred backdrop submits that though the life of the wait list is one year, before expiry of the same, the original application was filed and therefore, the claim of the

petitioner cannot be denied on the ground that the one year period of wait list has expired. For this purpose, he has placed reliance upon the judgment of the Division Bench of this Court in the case of *Angad Dnyanoba Shitale and Ors. Vs. State of Maharashtra and Ors.*, reported in *2022(1) Mh.L.J. 131*.

5. It is submitted that since the petitioner was at Serial No. 1 in the wait list and as one of the candidates, who was appointed, resigned from the post of Police Constable, the petitioner is entitled to be appointed as 'Police Constable'.

6. In the light of the above referred submissions made by the learned counsel for the petitioner, we perused the record and impugned order passed by the Tribunal.

7. No doubt, in the case of Angad (supra) this Court has considered the claim of the petitioner therein even after the expiry of one year period of the waiting list, on the ground that the writ petition was filed before expiry of one year period of the wait list. However, in the said petition, the complete data was given by the petitioner about the vacancy and other information. In the present matter, the petitioner is not able to point out what is the present status.

8. The learned counsel for the petitioner fairly admits that after the advertisement dated 05.02.2018 in pursuance to which the petitioner had applied for the post of 'Police Constable', there were subsequent advertisements and one of such advertisement was issued on 27.03.2018.

9. Admittedly, there was no challenge raised to those subsequent advertisements or in the original application no prayer was made for keeping one post vacant of the petitioner. In the circumstances, even if the original application was filed within one year from expiry of the wait list, in absence of necessary pleadings as regards the vacancy or challenge to the subsequent advertisement, we do not find any error committed by the Tribunal in dismissing the original application. Accordingly, the writ petition is dismissed.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)