

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO.193/2015(D.B.)**

Shri. Vilas S/o Hirachand Madankar,  
Aged about: 43 years, Occu: Private,  
R/o. In front of Jichkar Sabhagriha,  
Umrer, Distt.: Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through Secretary,  
Water Resource (JalSampda)  
and Irrigation Department,  
Mantralaya Mumbai.
- 2) The Member Secretary,  
Regional Selection Committee,  
Superintend Engineer,  
Vigilance Squad (Nagpur Division)  
Irrigation Department, Nagpur.
- 3) The President,  
Regional Selection Committee,  
Chief Engineer, Gosikhurd Project,  
Water Resource Department, Nagpur.

**Respondents**

Shri G.G.Bade, Ld. Counsel for the applicant.  
Shri M.I.Khan, Ld. P.O. for the respondents.

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**Coram:-**Hon'ble Shri Justice M.G.Giratkar, Vice Chairman &  
Hon'ble Shri Nitin Gadre, Member (A).

**Dated:** - 23<sup>rd</sup>August, 2024.

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### **JUDGMENT**

Heard Shri G.G.Bade, learned counsel for the applicant  
and Shri M.I.Khan, learned P.O. for the respondents.

2. The case of the applicant in short is as under-

As per the advertisement no.2/2011 published by the  
respondents, for 52 posts of Tracers were advertised. The five posts  
of the category of Anshakalin and out of which 2 posts of Open  
Anshakalin category were reserved. The applicant appeared in the  
examination for the post of Tracer. The Respondent no.2 published  
the waiting list for the post of Tracer from Open Anshakalin category  
in which the name of applicant is at Sr.No.15.

3. The respondents have published final selection list of  
total 52 posts. However, 2 candidates from the Open Anshakalin  
Category who were selected, but did not join. The names of said  
candidates are N.Bhagat and V.Gothane. It is submitted that the posts  
are vacant and therefore prayed to direct the respondents to appoint

the applicant on the vacant post of Tracer from the category of Open Anshakalin .

4. The O.A. is strongly opposed by the respondents by filing reply. In para 3, the respondents have denied about the vacancy of posts. Para 3 of the reply is reproduced below-

*3. It is submitted that, in the advertisement itself it was specifically mentioned that, the number of post advertise were decreased or increased and that right will rest with a Respondent. The applicant contain that, two post of Tracer, Part Time Employee remain vacant because of non joining of the selected candidate as the applicant being the wait list No.1 in the said category, he should be given appointment. In this regard, it is submitted that, the Respondent No.2 had submitted the proposal vide their letter dt. 11.03.2013 but there are excess candidate selected in Ex-Servicemen category. The Respondent No.1 had not given approval to give an appointment to the applicant from part time employee category because of above reason. Even otherwise the applicant is not having any wasted right to get a direction against the Respondent only being a selected candidate.*

5. During the course of submission, the learned counsel for the applicant has pointed out the Judgment in O.A.No.468/2013 and submitted that as per this Judgment waiting list cannot lapse and therefore the applicant can be appointed in the vacant post.

6. The learned P.O. has submitted that proposal was forwarded to the Government, but it was not accepted. Now, there is no post vacant and the waiting list is not in existence. Now, there may be another advertisement and the post might have been filled. The O.A. is pending since 2015. Nothing is on record to show that at present posts are vacant. The proposal which was submitted, was not accepted by the Government and therefore the waiting list cannot be said to the inexistence. Cited Judgment in O.A.No.468/2013 is on the different footing. Hence, it is not applicable to the case in hand. Looking to the submission, the applicant cannot be appointed on the post prayed by him. Hence, we pass the following order-

**ORDER**

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

**(NitinGadre)**  
**Member(A)**

**(Justice M.G.Giratkar)**  
**Vice Chairman**

Dated – 23/08/2024.  
rsm.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Raksha Shashikant Mankawde.  
Court Name : Court of Hon'ble Vice Chairman  
& Hon'ble Member (A).  
Judgment signed on : 23/08/2024.  
and pronounced on