

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3816 OF 2017  
(@ SPECIAL LEAVE PETITION(CIVIL)NO. 13968 OF 2016)

ANUPAMA BALASAHEB PATIL AND ORS

...APPELLANT(S)

VERSUS

AJIT SHIVAJI BHUJBAL AND ORS.

...RESPONDENT(S)

O R D E R

Leave granted.

This appeal relates to the appointment of Assistant Commissioners (Food)-cum-designated Officers Grade-A in the State of Maharashtra for which an advertisement was initially published on 15.03.2014. However, a Corrigendum dated 01.10.2014 was issued in pursuance of the order passed by the Maharashtra Administrative Tribunal dated 12.08.2014 to comply with the requirements of statutory rules under the Food Safety and Standards Rules 2006. Thereafter, screening test was conducted on 30.11.2014 and interviews were held from 10.08.2015 to 14.08.2015 and the result of the selection was notified on 30.11.2015.

The private respondents filed an application before the Maharashtra Administrative Tribunal on 28.11.2014 with a grievance that the Corrigendum was not duly published in the newspapers and that it excluded

those working under the local bodies as it used the expression "in services of Government of Maharashtra".

The first part of the plea was upheld by the Tribunal. It has been further upheld by the High Court. While the second part was not gone into.

We have heard learned counsel for the parties and perused the record.

Learned counsel for the appellants submitted that the Corrigendum was issued on 01.10.2014 and the respondents moved the Tribunal on 28.11.2014 which was almost after two months. In pursuance of Corrigendum, 16 persons applied and two have been placed in the select list. Thus, the officers working in the local bodies were fully aware of the same. The private respondents did not seek permission to participate in the selection process nor suffered any prejudice and thus, quashing of selection process was not called for.

We are of the view that once the selection process had been undertaken and the Corrigendum had been duly placed on the website there was no difficulty for those who were eligible to apply. If the original applicants-respondents herein had any grievance, they could have immediately moved the concerned Court and sought an order permitting them to apply and participate in the selection process which was not done. In these circumstances, it is not appropriate to cancel the whole selection process which had already been undertaken, in

absence of any prejudice to the original applicants.

Accordingly, we set aside the impugned order and allow this appeal. No costs.

.....J.  
[ADARSH KUMAR GOEL]

NEW DELHI  
6<sup>TH</sup> MARCH 2017

.....J.  
[UDAY UMESH LALIT}

ITEM NO.57

COURT NO.13

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 13968/2016  
(Arising out of impugned final judgment and order dated 14/03/2016  
in WP No. 12809/2015 passed by the High Court Of Bombay)

ANUPAMA BALASAHEB PATIL AND ORS.

Petitioner(s)

VERSUS

AJIT SHIVAJI BHUJBAL AND ORS.

Respondent(s)

(With interim relief and office report)

Date : 06/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Shekhar Naphade, Sr. Adv.  
Mr. Vinay Navare, Adv.  
Ms. Gwen Karthika, Adv.  
Mr. Ravinder Chingale, Adv.  
Ms. Abha R. Sharma, Adv.

For Respondent(s) Mr. H.P. Rawal, Sr. Adv.  
Ms. Asha Gopalan Nair, Adv.  
Ms. Nivedita Nair, Adv.

Mr. Arpit Rai, Adv.  
Mr. Nishant Ramakantrao Katneshwarkar, Adv.

Mr. Makarand D. Adkar, Adv.  
Mr. Vijay Kumar, Adv.  
Ms. Aparna Jha, Adv.  
Mr. Amit Bhagat, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed  
order.

(Madhu Bala)  
Court Master  
(Signed order is placed on the file)

(Suman Jain)  
Court Master