

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 6624 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 19616 OF 2017]

RAMA VISHAWANATH DANDGE

Appellant (s)

VERSUS

STATE OF MAHARASHTRA AND ANR.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The appellant approached this Court, aggrieved by the denial of selection and appointment to the post of Peon. The main contention is that the appellant is a deserted woman and she belongs to the Scheduled Caste category. She has three children as well. All other appointed persons are, according to the appellant, degree holders whereas the qualification required for the post is only 4th standard.

3. When this matter came up to this Court, the following order was passed on 16.05.2018 :-

"We request the learned Standing Counsel appearing on behalf of the respondent-State to ascertain whether there is any vacancy available to accommodate the petitioner as a special case, without being treated as a precedent.

Post on 12th July, 2018."

4. Mr. Nishant R. Katneshwarkar, learned standing counsel appearing for the State, submits that as of now, there is no vacancy available. Having regard to the facts and circumstances of the case, which we have referred to above, we are of the view that this is a fit case to invoke our jurisdiction under Article 142 of the Constitution of India, in the interest of justice and for doing complete justice.

5. Accordingly, this appeal is disposed of with a direction to the respondent-State to accommodate the appellant in any one of the arising vacancies in Class IV in District Buldhana.

6. We make it clear that there may not be any appointment in Class IV without first accommodating the appellant. We further make it clear that this Judgment is passed in the peculiar facts and circumstances of this case and the same may not be treated as a precedent.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[SANJAY KISHAN KAUL]

New Delhi;
July 12, 2018.