

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3919 OF 2013

Tushar Shankarrao Dhawale VERSUS State of Maharashtra Health Deptt. & Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Y. D. Shukla counsel for the petitioner.
Smt Dangre Addl. GP for the respondents/State.

CORAM : B. P. DHARMADHIKARI AND
A. S. CHANDURKAR, JJ.
DATE : DECEMBER 23, 2013.

Petitioner states that his adhoc service of two years from 30th June 2008 should be considered as regular service and, therefore, he having completed three years service, must be presumed to be eligible for admission to postgraduate course as in-service candidate.

Learned Additional Government Pleader states that the petitioner has been appointed regularly on 19th January 2011 and he completes service of only two years four months and, therefore, does not qualify as in-service candidate. It is further pointed out that petitioner has already been selected to M. D. Course as external candidate and has also sought leave of three years from State Government which has been rejected.

The reply filed by State Government on 23rd August 2013 is still not tagged to this file. On 27th November 2013 this Court has directed Registry of this Court to place the petition with reply. Office Note dated 4th December 2013 shows that till 5th December 2013 no reply has been filed.

The requirement in order to qualify as in-service candidate is of three years service. Medical Officer must be appointed after following prescribed procedure and on regular basis. He has to complete three years of regular service. The said service is to be completed till the beginning of academic session.

Adhoc service cannot be read as regular service. Insistence of petitioner, therefore to compute the service from 30th June 2008 is misconceived. Petition is, therefore, rejected. No costs.

JUDGE

JUDGE

svk