

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 2561 OF 2006

PRAFULLA NIVRUTTIRAO JONDHALE

VERSUS

THE STATE OF MAH & ORS

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Advocate for Petitioner : Mr. U B Bondar
 AGP for Respondents-State: Mr. K. S. Patil

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**CORAM : S. V. GANGAPURWALA &
 V. L. ACHLIYA , JJ.**

DATE : 23rd January, 2015

PER COURT :

1. The petitioner assails the order passed by the Tribunal as well as the order in review so also challenges the order of termination. According to Mr. Bondar, the learned counsel for the petitioner, similarly situated employees who were appointed alongwith the petitioner have been protected, however, the same treatment is not awarded to the petitioner. At the relevant time, appointments were made directly without any advertisement and all these appointments have been protected.

2. The learned counsel submits that the appointment of the petitioner was made by the authorities after getting approval of the higher authorities, however, the Tribunal has failed to consider the said aspect. Even the Tribunal, had allowed the original applications filed by the similarly situated candidates.

3. Learned AGP submits that the petitioner was appointed for a temporary period and his services were terminated within 10 months. Recruitment Rules were not followed. The permission of higher authority was not obtained. Even otherwise the petitioner could not have been appointed without undergoing selection process.

4. We have considered the submissions canvassed by the learned counsel for the respective parties.

5. This Court had admitted the matter however had not granted any interim protection. It appears that the petitioner was appointed for temporary period and within 10 months the petitioner is terminated. There is nothing on record to show that the appointment was made by way of proper selection process.

6. Considering the above, the case of the petitioner cannot be considered. As such, rule is discharged. Writ petition disposed of. No costs.

(V. L. ACHLIYA, J.)

(S. V. GANGAPURWALA, J.)

JPC