

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 1495 of 2015

Dr. Bipinchandra s/o. Ashok Khade,
Age : 33 years,
Occupation : Assistant Professor,
R/o. Plot No.10, Gopalnagar,
Dhule.

.. Petitioner.

versus

1. The State of Maharashtra.
2. The Director,
Medical Education & Research,
M.S., Mumbai - 01.
3. The Dean,
Shri Bhausaheb Hire,
Government Medical College &
Hospital, Dhule.
4. Khan Hijab Akhtar,
Asst. Professor in Anatomy,
Shri Bhausaheb Hire Govt.
Medical College & Hospital,
Dhule.

.. Respondents.

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Ms. Preeti R. Wankhede, Advocate, for the petitioner.

*Mr. V.H. Dighe, Assistant Government Pleader, for
respondent nos.1 to 3.*

Mr. S.S. Kazi, Advocate, for respondent no.4.

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 8TH OCTOBER 2015

ORAL ORDER (Per S.S. Shinde, J.) :

1. Heard learned Counsel for respective parties.
2. This petition is filed with following prayer clauses :—

[B] By issuing writ of certiorari or orders in the like nature, the impugned Judgment and Order passed by the learned Maharashtra Administrative Tribunal, Mumbai, Bench at Aurangabad, dated 18-12-2014, in Original Application No. 771/2013 may kindly be quashed and set aside;

[C] This Writ Petition may kindly be allowed thereby directing the respondents to reinstate / reappoint the petitioner on the post of Assistant Professor of Anatomy and further continue him on the said post till the availability of a regularly selected candidate.

3. The learned Counsel appearing for the petitioner submits, that the appointment of the petitioner was on ad hoc basis and ad hoc employee cannot be replaced by a bonded candidate. In support of this contention, the learned Counsel appearing for the petitioner has invited our attention

to the unreported judgment of this Court at Nagpur Bench, in Writ Petition No. 7954 of 2011 with companion petitions, dated 2nd February 2012. It is further submitted, that the certificate which is placed on record at page 20 of the compilation of the Writ Petition would make it clear that the petitioner was not bonded and was appointed on ad hoc basis. Therefore, according to the learned Counsel appearing for the petitioner, petition deserves to be allowed.

4. On the other hand, the learned Assistant Government Pleader has invited our attention to the contents of the appointment letter and submits, that the petitioner's appointment was for a particular period as a bonded candidate and now, in place of the petitioner, respondent no.4 is appointed.

5. We have heard the learned Counsel appearing for the petitioner, the learned Assistant Government Pleader appearing for respondent nos.1 to 3 and the learned Counsel appearing for respondent no.4. With their able assistance, we have perused the reasons given by the Maharashtra Administrative Tribunal in the impugned order.

6. So far as the contention of the learned Counsel appearing for the petitioner, that the certificate at page 20 of the petition is the proof to show that the said appointment of the petitioner was on ad hoc basis, does not find place in the judgment of the Maharashtra Administrative Tribunal. The Tribunal after considering the terms of the appointment letter, reached to the conclusion that the petitioner's appointment was not on ad hoc basis. In that view of the matter, petitioner's appointment was held to be of a

bonded candidate.

7. We see no reason to interfere with the judgment and order passed by the Tribunal, in exercise of extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. The petition sans merit and the same is rejected.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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