

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

WRIT PETITION NO.3053 OF 2002 WITH
CIVIL APPLICATION NO.3865 OF 2015

Nimba s/o Manga Jagdale,
Age 36 years, Occ. Lecturer in
Radhabai Kale Mahila
Mahavidyalaya, Ahmednagar,
R/o Virdel, Tq. Sindkheda,
District Dhule

... PETITIONER

VERSUS

1. The State of Maharashtra,
through its Secretary,
Higher Education, Government of
Maharashtra, Mantralaya,
Mumbai - 400 032
2. The Joint Director of
Higher Education,
Pune Division, Pune.
3. The Registrar,
Pune University, Pune
4. The Secretary,
Rayat Shikshan Sanstha,
Karmavir Samadhi Parisar,
Satara, District Satara
5. The University Grants Commissioner,
Bahadurshah Jafar Marg,
New Delhi - 110 002
6. The Principal,
Radhabai Kale Mahila
Mahavidyalaya, Ahmednagar,
District Ahmednagar.

... RESPONDENTS

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Shri A.J. Deshmukh, Advocate for petitioner
Mrs. Y.M. Kshirsagar, A.G.P. for State
Shri R.N. Dhorde, Senior Counsel with
Shri P.S. Dighe, Advocate for respondents No.4 & 6
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CORAM: S.V. GANGAPURWALA AND
 A.I.S. CHEEMA, JJ.

DATED: 6th April, 2015.

ORAL JUDGMENT (Per S.V. Gangapurwala, J.):

1. Mr. Deshmukh, learned counsel for the petitioner states that, this Court has set aside clause 2(b) of the Government Resolution dated 18.10.2001. In view of that, the order of termination issued to the petitioner is illegal and void. The petitioner is working since the year 1994. Only last appointment order is issued as Part Timer. According to the learned counsel, when the said clause has been set aside by this Court, the petitioner is entitled for reinstatement in service. Learned counsel relies on the judgment of the Division Bench of this Court at Principal Seat at Bombay, in Writ Petition No.5782 of 2001, decided on 18.4.2002. According to the learned counsel, there is no impediment to allow the petition and direct the respondents to reinstate the petitioner.

2. Mr. Dhorde, learned Senior Counsel submits that the petitioner was appointed as a Part Timer and not a regular full time employee. Last three appointment orders are as Part Timer for specified period. The respondent thereafter filled in the post by appointing a person possessing NET/ SET qualification on regular basis.

3. The petitioner is terminated from service in the year 2001. While admitting the petition, no protection has been granted to the petitioner. We would have considered the case of the petitioner had the petitioner been appointed as full time employee. The last three appointment orders of the petitioner are as a Part Time and for specified period. Assuming that the petitioner was appointed in the year 2000, certainly he had not completed his probation period also more particularly as the petitioner was Part Timer. This Court cannot consider case put forth by the petitioner.

4. Mr. Deshmukh, learned counsel for the petitioner submits that the petitioner would approach the respondent/ management and the University Grants Commission. They may consider the case of the petitioner.

5. In case the petitioner makes any representation, it is for the authorities to consider the same on its own merits and as per the policy governing the same.

6. In light of the above, Writ Petition is disposed of. Rule disposed of accordingly. No costs.

7. In view of disposal of the Writ Petition, Civil Application No.3865/2015 stands disposed of.

(A.I.S. CHEEMA, J.)

(S.V. GANGAPURWALA, J.)