

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2524 OF 2015

VARSHA RAJABHAU PANCHAL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....

Advocate for Petitioners : Mr. M. R. Andhale
AGP for Respondent Nos. 1 to 3 : Mr. K.G. Patil
Advocate for respondent Nos. 4 : Mr. S.S. Tope

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 16th JUNE, 2015

PER COURT :

1. In the present writ petition, the petitioners seek direction against the respondents to continue the petitioners on the post of Clerk Cum Typist and/or Peon. Mr. Andhale, the learned counsel for the petitioners submits that all these petitioners are appointed on contract basis and their services are required to be regularized and continued. They are required to be absorbed with the Zilla Parishad schools. The learned counsel submits that the scheme, pursuant to which the petitioners are appointed, has come to an end.

2. Mr. Patil, the learned AGP submits that the respondent State has not appointed the petitioners. It is the agent of present respondent-State who appointed the petitioners. The petitioners

have not even completed three years of service. As the scheme itself comes to an end, the petitioners cannot claim the employment.

3. Mr. Andhale, the learned counsel relies on the judgment of this Court dated 24.02.2015 in writ petition No. 3849 of 2014 and other connected matters.

4. We have considered the submissions canvassed by the learned counsel for the respective parties. In writ petition No. 3849 of 2014, relied upon by the learned counsel for the petitioners, the directions were issued to continue the said persons who were appointed on contract basis and who have completed three years continuous service. The same was in view of the judgment of the Division Bench of this Court (Nagpur Bench) in writ petition No. 2046 of 2010 which was confirmed by the Apex Court.

5. As the petitioners herein have not completed three years of service, the same criteria cannot be applied to the petitioners.

6. The petitioners were appointed on contract basis under a particular scheme. That scheme, it is submitted that, has come to an end. The petitioners were appointed as Class III and Class IV employees i.e. the non-teaching staff.

7. In light of the above, the case of the petitioners cannot be considered. However, the petitioners are at liberty to make representation to the authorities for their employment, which representation shall be considered by the authorities in accordance with their policy, norms and Rules, as expeditiously as possible and preferably within a period of six months from the date of representation.

8. Writ Petition accordingly stands disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

rlj/-