

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

WRIT PETITION NO. 5262 OF 2013

Dr. Tanuja Shridharao Kulkarni .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri S. B. Talekar, Advocate for the Petitioner

Shri G. K. Thigle, A. G. P. for the Respondent Nos. 1 to 4

CORAM : S. V. GANGAPURWALA AND

V. L. ACHLIYA, JJ.

DATE : 11TH MARCH, 2015.

PER COURT :

1) Mr. Talekar the learned counsel for the petitioner states that, the petitioner is appointed as part-time lecturer in Hindi subject in the year, 1994, for the first time. Thereafter the second appointment order is issued on 09th August, 1995 and since then is continuously working. According to the learned counsel as per the Government Resolution dated 11th February, 2002, more particularly, clause 4; if 2 part-time posts are available the same can be converted into one full time post. There were 2 part-time posts available. The petitioner was working on one part-time post in Hindi subject and other post for majority of time was vacant or some person used to be appointed on clock hour basis. According to

the learned counsel proposal is also forwarded by the Director of Higher Education to the State initially on 19.01.2011 and subsequently on 12.05.2011. The proposal dated 19.01.2011 is rejected on the count that, petitioner is not selected through MPSC. However the respondent State has regularized the services of 138 such teachers who were not selected through MPSC but were selected through local selection committee. The petitioner is also selected and appointed by local selection committee. The respondents be directed to appoint the petitioner as a full-time lecturer and regularize the services of the petitioner since the year, 2002 that is the date of the Government Resolution dated 11th February, 2002.

2) Mr. Thigle the learned A. G. P. submits that, the petitioner is not selected through MPSC. He is working as a part-timer, as such can not be regularized as a full timer. Those persons whose services are regularized were appointed as full-time lecturers since day one and were selected by local selection committee. As the petitioner was appointed as part-timer, the petitioner can not be considered for regularization. The proposal dated 19.01.2011 issued by the Director of Higher Education has been turned down by the State.

3) We have considered the submissions canvassed by the learned counsel for respective parties. The Government Resolution

dated 11th February, 2002 certainly lays down that, in those colleges where there are two or more part-time posts available the same be converted into one full-time post. In light of the said Government Resolution, as far as conversion of two part-time posts into one full-time is concerned the same may not be a subject matter of debate. Two part-time posts can be converted into one full-time post. The only question would be about the appointment to be made on the said full-time post. The persons who are regularized as shown were appointed on full-time posts since day one. According to the petitioner, the proposal dated 12.05.2011 is not yet decided.

- 4) Considering the above, we pass the following order -

ORDER

The respondents may convert two part-time posts into one, if the two part-time posts are available and shall decide the representation dated 12.05.2011 (**Exh. K**) if not decided considering the availability of posts on its own merits in accordance with law expeditiously, preferably within three (3) months.

- 5) Writ petition is accordingly disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]