

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

WRIT PETITION NO. 6469 OF 2015.

Deepak Padmakar Suradkar. **.. PETITIONER.**

VS

1. The Vice Chancellor,
Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad
and others.

.. RESPONDENTS.

...

Mr.Jadhav C.T., Advocate for Petitioner.
Mr.S.S. Thombre, Advocate for respondents No.1 to 3.
Mr.Sachin Panale, Advocate for Respondent No.5.

...

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

Dated: 22nd SEPTEMBER, 2015.

PER COURT :-

1. This petition has been filed firstly with the prayer that the respondents be directed to absorb the petitioner in the post of “Junior Assistant-Cum-Data Entry Operator” and the petitioner may be given the regular pay scale of the said post. In the alternative, it is prayed that the selection process of Open (Anshkalin) category candidate for the post of “Junior Assistant-Cum-Data Entry Operator” may be quashed; secondly, it is prayed that the fresh advertisement

only to the extent of single post of “Junior Assistant-Cum-Data Entry Operator” from open category may be quashed. It is also prayed that the petitioner may not be replaced by any other ad hoc / temporary / casual / contractual appointee.

2. The learned Counsel for the petitioner submits that the petitioner was appointed as on daily wages in the year 2005. The respondent No.1 extracted work from the petitioner. However, he was kept on daily wages. It is submitted that the respondent University by order dated 25/27th July, 2011 appointed the petitioner on the post of Strong Room Assistant from open category on purely temporary basis on consolidated salary of Rs. 6000/- per month from the University funds on certain terms and conditions. It is submitted that the petitioner has satisfactorily worked on daily wages from the year, 2005 and from the post of Strong Room Assistant, keeping in view his length of service, his services deserve to be regularized and status of permanency may be given to the petitioner. It is submitted that though the petitioner participated in the earlier selection process, the respondents intentionally

assigned less marks to the petitioner and ensured that the petitioner is not appointed. The learned Counsel for the petitioner, in support of his contention that, if the person has worked for number of years on the post, his services deserve to be regularized / benefits of permanency deserve to be given, relied upon the judgment dated 28th July, 2014 delivered by the Rajasthan High Court at Jodhpur in case of ***Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. in S.B. Civil Writ Petition No.2329/2014.***

3. On the other hand, learned Counsel for the respective respondents submit that the petitioner did participate in the selection process and could not succeed on merits. It is submitted that the petitioner has no any right to assert and therefore, this petition may be rejected.

4. We have heard learned Counsel for the petitioner and learned Counsel for respondents. Even if, the contention of the learned Counsel for the petitioner is accepted that, from the year, 2005 the petitioner is working on daily wages and in the year, 2011, he was given appointment on temporary basis on the post of Strong Room Assistant on consolidated

salary, the petitioner has no any legal right to assert. The petitioner did participate in the earlier selection process and could not succeed. The allegations of bias cannot be countenanced for the simple reason that the petitioner was issued office order on 25/27th July, 2011 by the respondent appointing him on temporary basis. It appears that there are subsequent selection process undertaken by the respondents. No fault can be attributed to the respondents. No case is made out for interference.

Petition sans merits and the same stands rejected.

(A.M. BADAR, J.)

(S.S. SHINDE, J.)