

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 7823 OF 2015**

Meera Laxman Suryawanshi
Age : 31 years, Occ : Service,
R/o Umri (Ba), Tq. Kinwat,
Dist. Nanded.

..PETITIONER

-VERSUS-

1. The State of Maharashtra
Through its Secretary,
Rural Development & Water Conservation
Department, Mantralaya,
Mumbai-32.
2. The Director of Health,
Maharashtra State, Arogyabhavan,
Saint Jorge's Hospital Area,
P.D. Road, Mumbai.
3. The Chief Executive Officer,
Zilla Parishad, Nanded.
4. The District Health Officer,
Zilla Parishad, Nanded.
5. The Medical Officer,
Primary Health Center,
Umri(Ba), Sub Center Umri,
Tq. Kinwat, Dist. Nanded.

..RESPONDENTS

...

Advocate for Petitioner : Mr. Bhosle Santosh C.
AGP for Respondent/State : Mr. S.B. Pulkundwar
Advocate for Respondent nos.3 to 5 : Mrs. Geeta Deshpande

...

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

Dated: September 09, 2015

...

ORAL JUDGMENT (Per S.S. Shinde, J):-

1. Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned counsel for respective parties.

2. The petitioner is working as Auxiliary Nurse Midwife (A.N.M.) with Respondent No.4 and 5. The petitioner has undergone necessary course for the said post and as such, was appointed as A.N.M. with Respondent Nos. 4 and 5 for bonded period. As the petitioner's bond period is coming to an end, she apprehends her termination and as such, is seeking relief pursuant to the practice, which according to her, is being followed since 2005, that, she be appointed for eleven months after a day's break.

3. Respondent – Zilla Parishad opposes the relief claimed by petitioner on the ground that, the post is meant for regularly selected candidates and as such, the practice followed does not create right in faovur of petitioner for such appointment.

4. We have perused the directives issued by the Government from time to time, particularly the ones dated 2nd January, 2006 and 19th April, 2000, letting such appointments by respective Zilla Parishads. It is not the case that regularly selected candidates are available.

5. Petitioner solemnly states that, she would not

claim any right for regularization or other benefits based on such service rendered by her and would file undertaking to that effect.

6. Under the circumstances, we direct that pursuant to the directives of the Government, petitioner be continued until regularly selected candidate is made available and appointment of petitioner not to be replaced by *ad hoc* employee.

7. Petitioner to file an undertaking to this Court to the effect that, she will not claim any benefit of such service for regularisation of her service or other benefits and would vacate the post as soon as regularly selected candidate is made available. Undertaking to be filed in within a period of two weeks from today.

8. Rule is made absolute accordingly. No order as to costs.

Sd/-

(**A.M. BADAR, J.**)

Sd/-

(**S.S. SHINDE, J.**)

...

sga