

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6934 OF 2014

Anil Dattatray Kulkarni .. Petitioner.
Vs.
The State of Maharashtra & Anr. .. Respondents.

Mr.Rahul S. Kadam for the Petitioner.
Mrs.M.P. Thakur AGP for the Respondent No.1.

CORAM : A.S. OKA & A.K. MENON, JJ.

DATED : 18TH FEBRUARY, 2015

P.C.

1. Heard the learned counsel appearing for the petitioner and learned AGP for the State.

2. The petitioner was appointed as an Adhoc Additional District Judge and Assistant Sessions Judge. The challenge in this petition is to the order dated 16th September, 2003. By the said order, the appointment of the petitioner as the Adhoc Additional District Judge was cancelled. The submission of the learned counsel appearing for the petitioner is that the appointment was cancelled as there was only one complaint pending against the petitioner and subsequently, the same has been disposed of. The second grievance is that the other Judicial Officers, whose names were included in the order dated 16th September, 2003 were subsequently given the same post and though the petitioner appeared for the interview, he was not

given the said post.

3. The appointment of the petitioner as the Adhoc Additional District Judge and Assistant Sessions Judge will be governed by the Adhoc appointments of the Judicial Officers in the State for implementing the Special Scheme for elimination of arrears (Sponsored by the Central Government) Rules 2001. Rule 4 of the said Rules clearly provides that an appointment made under the said Rules shall be purely on temporary basis and such appointment shall be for a period of two years. The Rule 4 specifically provides that the appointment shall be liable to be terminated at any time without any notice.

4. Thus, by an appointment of the petitioner as an Adhoc Additional District Judge, no right is created. As regards the other grievance regarding the failure to appoint the petitioner on the same post, it is obvious from the averments in the petition that the petitioner was not selected after he appeared for interview.

5. No case for interference in the writ jurisdiction of this Court under Article 226 of the Constitution of India is made out. The petition is accordingly rejected.

(A.K. MENON, J.)

(A.S. OKA, J.)