

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2438 OF 2015

Rajendra S/o Charandas Ramteke

-vs-

Secretary, Law & Judiciary, State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Ashok Raghute, counsel for the petitioner.
Mr. D.M.Kale, A.G.P for the respondent No.1.

CORAM : SMT. VASANTI A. NAIK &
A. I. S. CHEEMA, JJ.

DATE : 20.08.2015.

By this petition, the petitioner challenges the order of his termination, dated 02/09/2014 and seeks a direction to the respondents to regularize his services.

The petitioner claims to have been appointed by the District and Sessions Judge, Gondia in the year 2009 as a Sweeper on contract basis. The petitioner was appointed from time to time on contract basis and since the petitioner was not reappointed after the termination of his services, by the impugned order, dated 02/09/2014, the petitioner has filed the instant petition. It is stated that a selection process was directed to be initiated by the Government and in view of the same, the petitioner's services were terminated. The petitioner seeks the regularization of his services on the post of Sweeper.

The relief sought by the petitioner cannot be granted. Admittedly, the petitioner was appointed on the post of Sweeper on contract basis. No advertisement was issued, calling applications from interested candidates for appointment on the post of Sweeper before the petitioner was appointed. It is well settled that an

appointment made without following the due process of selection would be illegal. An appointment made on contract basis, without following the due process of selection would not give a right to appointee to seek his regularization on the post. It would be worthwhile to refer to the judgments of the Hon'ble Supreme Court, reported in 2007 (6) Mh.L.J. 667 (Priyadarshini Edu. Trust v. Ratis Bano) and 2014 (2) SCALE 262 (Renu v. Dist.& Sessions judge, Tis Hazari) in this regard.

Since the petitioner does not have a right to continue in the post of Sweeper or seek his regularization in the said post, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE