

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.6321/2015

Wardha Zilla Arogya Seva Karmachari Sangh through its Executive President
and another

...Versus...

The State of Maharashtra, through its Secretary, General Administrative
Department, Mantralaya, Mumbai – 32 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

S/Shri A.I. Sheikh & Mir Nagman Ali, Advs. for petitioners
Shri N.R. Patil, AGP for respondent nos.1, 2 and 4

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : 23.11.2015

By this petition, the petitioners challenge the advertisements issued by the respondents on 31.10.2015 and 5.11.2015, inviting applications for appointment on the posts of Health Attendants (Female) and Sweepers.

According to the petitioners, the members of the petitioner - Sangh are working with the respondents on contract basis and the respondents are not entitled to issue the advertisement. It is stated that the petitioners have made representations to the respondents and without deciding the representations of the petitioners, the respondents have issued the advertisement.

On hearing the learned Counsel for the parties, we find that the relief sought by the petitioners cannot be granted. The advertisement cannot be quashed and set aside. Admittedly, the members of the petitioner - Sangh are not appointed after following the due procedure of selection i.e. issuance of advertisement, appearing for interview etc. It is well settled that appointments made without following the due procedure of selection would be illegal. It would be necessary to refer to the judgments of the Hon'ble Supreme Court reported in **2007 (6) Mh.L.J.667, 2011 AIR SCW 1332, 2014 (2) SCALE 264**. Even the judgment reported in **2014 (7) SCC 223** cannot come to the rescue of the petitioners for seeking regularization, as none of the members of the petitioner – Sangh are working with the respondents on contract basis for more than 10 years. Some of the members of the petitioner – Sangh have been appointed recently on contract basis i.e. in the year 2014.

In the circumstances of the case, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar