

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

WRIT PETITION NO. 4959 OF 2016

Bapu s/o Supdu Balsane ...Petitioner

VERSUS

The State of Maharashtra & anr. ...Respondents

.....
Shri C.V.Joshi, advocate for petitioner
Shri S.B.Yawalkar, A.G.P. for respondent/State
.....

CORAM : S.S.SHINDE AND P.R.BORA, JJ.

DATED : 27th JULY, 2016

PER COURT :-

Not on Board. Taken on Board.

2. Heard learned counsel appearing for the petitioner and the learned A.G.P. appearing for the respondent/State.

3. Learned counsel appearing for the petitioner submits that the petitioner was appointed as Sweeper on 1.1.2002 and he was continued up to 29.1.2002. He invited our

attention to the documents issued by the Dean, General Hospital, Dhule (Exh.A page 14) and submits that out of 9 employees whose names have been mentioned, one Smt. Nandabai Pandurang Shegaonkar was appointed on 24.4.2015 for 29 days. Learned counsel also invited our attention to a document that such order appointing Shri Ambadas Sahdeo Yedwar is also issued on same date for 29 days.

4. He further submits that the Division Bench of this Court has disposed of the petition in which Civil Application was filed and the said Civil Application was disposed of on 7.11.2014 thereby giving directions to the respondents to fill in the vacant posts as per rules. Therefore, according to the learned counsel appearing for the petitioner, the petitioner is also entitled for the appointment till the regular selection process is undertaken by the respondents.

5. Learned A.G.P. submits that the petitioner was appointed for temporary period for 29 days in the year 2002. This petition is belatedly filed in the year 2016. There is no right accrued in favour of the petitioner, and therefore, in case petitioner is aggrieved he can approach the Labour Court and prays that the petition may be rejected.

6. Upon hearing learned counsel appearing for the petitioner and the learned A.G.P. appearing for the respondent/State and on perusal of the petition and annexures placed on record with the Writ Petition, we are of the opinion that the petition cannot be entertained for more than one reason, which are set out herein below.

7. Admittedly the petitioner has worked only for few months that too in the year 2002. Upon perusal of the documents placed on record, it appears that the petitioner approached to the respondent Collector by way of filing application/representation only in the year 2015.

Apart from it, as rightly contended by the learned A.G.P., merely because the petitioner has served for four months in the year 2002, he cannot claim any right. Needless to observe, there is no right accrued in favour of the petitioner to ask for the further appointment. Apart from it, no reasons have been stated in the petition to show that the petitioner has made continuous efforts for redressal of his grievance. Writ Petition may also lead to adjudication of the disputed questions of fact.

8. In the light of above, in our opinion, the petition is misconceived. Same stands rejected.

(P.R.BORA, J.)

(S.S.SHINDE, J.)

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