

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1193 OF 2016
IN
WRIT PETITION NO. 10239 OF 2011**

Vitthal Shivram Sawant

..Applicant

Vs.

The Civil Surgeon Sindhudurg

..Respondent

Mr. V. N. Walawalkar a/w Mr. D. R. Patekar i/b Mr. S. M. Sabrad for the Applicant

Mrs. M. S. Bane “B” panel Counsel for the Respondent No.1

**CORAM : R. M. SAVANT, J.
DATE : 23rd AUGUST, 2016**

P.C.

1 The above Civil Application has been filed inter alia for the relief that the Applicant should be considered for the post which have been advertised by the Respondent and for the further relief that at least one post should be kept vacant. The subject matter of the above Writ Petition is the order passed by the courts below refusing to grant relief of regularisation to the Petitioner.

2 It is the case of the Petitioner that he has completed 240 days of service in a calendar year and is therefore entitled to regularisation or permanency. In so far as the advertisement is concerned, the Petitioner does not satisfy the eligibility conditions in so far as age is concerned. The

Petitioner's entitlement if any would therefore be contingent upon he succeeding in the Petition in respect of the relief of regularisation / permanency which he has sought. The Petitioner cannot lay a claim to the posts which have been advertised which the Respondent want to fill up from the open market. Hence no relief can be granted to the Applicant / Petitioner in the above Civil Application, the same is accordingly rejected.

[R.M.SAVANT, J]