

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

WRIT PETITION NO.4140 OF 2016

[Dr. Krishnakumar Shivmohan Upadhyay and one .vs. State of Maharashtra and others]

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

Court's or Judge's orders

Shri S.S. Upadhyay, counsel for the petitioners.

CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : JULY 20, 2016.

By this writ petition, the petitioners challenge the order of the Maharashtra Administrative Tribunal, Nagpur, dated 8.10.2015, dismissing the original application filed by the petitioners.

In the year 2012, the petitioners were appointed as Assistant Professors in Government Vidharbha Institute of Science and Humanities, Amravati on ad-hoc basis for one year to teach Hindi. For the academic session 2013-2014, again a fresh advertisement was issued for appointment of Lecturers on clock hour basis and the petitioners applied in pursuance of the said advertisement and were selected for appointment on clock hour basis. It is the case of the petitioners that after the end of the academic session, they were prevented from discharging their duties. The petitioners, therefore, approached the Maharashtra Administrative Tribunal, Nagpur for a direction against the respondent-Director to permit the petitioners to resume their duties and to regularize their services. The petitioners had also sought a direction against the respondents to pay the arrears of honorarium at an appropriate rate. The original application filed by the petitioners was partly allowed. It was held by the Tribunal that the petitioners did not have a right to seek the regularization of their services. The Tribunal, however, directed the respondents to calculate the honorarium/remuneration, that was liable to be paid to the petitioners within a period of three months from the date of the order.

The order of the Tribunal, as far as it rejects the prayer of the petitioners for regularizing their services, is impugned by the petitioners in the instant petition.

On hearing the learned counsel for the parties and on a perusal of the impugned order, we find that there is no scope for interference with the impugned order in exercise of the writ jurisdiction. The petitioners were appointed on clock hour basis for the academic session 2013-2014. They had accepted the appointment on clock hour basis without a demur. At the end of the academic session, the services of the petitioners came to an end and they were not permitted to continue as Lecturers on clock hour basis. After the petitioners were not permitted to work in the next session, there was no advertisement for appointment of Lecturers for hindi subject. The Tribunal, therefore, rightly held that the petitioners did not have a right to insist upon their regularization or a direction to the respondents to provide work to them. The Tribunal held and rightly so that since the petitioners were appointed purely on clock hour basis, they were not entitled to regularization. We find that the order of the Tribunal, so far as it denies the prayer of the petitioners for regularization, is in consonance with the law laid down by the Hon'ble Supreme Court. The Tribunal was justified in holding that the petitioners were not entitled to regularization of their services in the circumstances of the case. The judgment rendered by the Delhi High Court on 29.7.2011 in Writ Petition [C] No.7217/2004 and relied on by the learned counsel for the petitioners is not applicable to the facts of this case.

Since the order of the Tribunal is just and proper, we dismiss the writ petition, with no order as to costs.

JUDGE

JUDGE

CERTIFICATE

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