

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

WRIT PETITION NO.5219/2016

Sahebrao Amritrao Mujmule and others

...Versus...

State of Maharashtra, through its Secretary, Department of Urban Development,
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

Shri P.N. Shende, Advocate for petitioners
Shri A.A. Madiwale, AGP for respondent nos.1 to 3

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

DATE : 15.11.2016

The only prayer made by the petitioners in this writ petition is for a direction against the respondents to regularize the services of the petitioners in the respondent – Zilla Parishad.

The petitioners were working on part-time/clock hour basis from time to time with the respondent – Zilla Parishad. According to the petitioners, the Zilla Parishad is utilizing the services of the petitioners on clock hour basis though there are several vacancies in the posts of Junior College Lecturers in the Zilla Parishad. It is submitted that in almost similar set of facts the Aurangabad Bench of this Court has by the judgment, dated 9.5.2014 in Writ Petition No.7106/2013 directed the State Government to formulate a policy under the RTE Act and give due weightage to the experience gained by the persons like the petitioners while making fresh appointments. It is submitted that

on parity it would be necessary to direct the respondents to grant due weightage to the experience gained by the petitioners along with their requisite qualifications while making fresh appointments.

In view of the law laid down by the Hon'ble Supreme Court in the judgments, reported in **2007 (6) Mh.L.J. 667, 2011 AIR SCW 1332, 2014 (2) SCALE 262** and several other judgments that are rendered by the Hon'ble Supreme Court thereafter, it would not be proper to direct the respondents to regularize the services of the petitioners. However, if the petitioners are duly qualified and are otherwise eligible for appointment on the posts of Junior College Lecturers, their cases could be considered, along with all the other eligible candidates, in view of Direction No.(iii) in paragraph no.118 of the judgment dated 9.5.2014 in Writ Petition No.7106/2013 and another.

Hence, though we reject the prayer made by the petitioners for regularization of their services, in view of the settled position of law, we dispose of the writ petition with a direction to the respondents to consider the claim of the petitioners, if at all they are eligible, in terms of the directions in clause (iii) of paragraph 118 of the judgment in Writ Petition No.7106/2013 and another.

The writ petition is disposed of in the aforesaid terms with no order as to costs.

JUDGE

JUDGE