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

WRIT PETITION NO. 2099 OF 2007

**INDRABHAN RAMKRISHNA NIRMAL
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

Advocate for Petitioner : Mr.A.S.Kale h/f S B Talekar
AGP for Respondents: Mr.R.V.Dasalkar
Advocate for Respondents : B S Mundhe For R-3,5.**

CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL,JJ.**

DATE : 16/08/2017

PER COURT :-

The petitioner assails order of the Maharashtra Administrative Tribunal, dismissing the Original Application. The learned counsel for the petitioner submits that the Tribunal has failed to consider that the age, as prescribed in the advertisement, would not be a bar for the petitioner to apply. The petitioner was in temporary service with the respondent State. The experience certificate given to the petitioner shows that the petitioner has served for a period of 1½ year. In view of that, as the petitioner was in Government service, though temporary, the age limit of thirty years as on 1/10/1998, would not apply. The learned counsel further submits that the Tribunal has not considered the said aspect but only has gone on premise that the

case of the petitioner is only for regularisation. According to the learned counsel, technical breaks were given to the petitioner, which would not result in interruption of a continuous service.

2] The learned counsel further submits that the reliance placed by the Tribunal in the judgment of the Apex Court in a case of A Umarani V/s Registrar, Cooperative Societies and others, reported in (2004) 7 SCC 112 and in the case of Secretary, State of Karnataka V/s Umadevi, reported in 2006 AIR SCW 1991 is improper.

3] The learned AGP supports the judgment

4] The last appointment order of the petitioner is dated 9/10/1998 for a period of three months. In between two appointment orders, there were breaks of three months. Petitioner as such was not in continuous service of six months, even if we consider that the appointment of the petitioner was temporary. In view of that, the clause of age relaxation as laid down in the advertisement in the rules, would be of no benefit to the petitioner.

5] As the petitioner because of his age, was not eligible to be considered, the Tribunal has not committed any error.

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6] Naturally, the petitioner had not undergone any selection process while being appointed on ad-hoc basis for three months, as such, could not claim regularisation.

7] In the light of the above, Writ Petition is dismissed. Rule discharged. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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