

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

BENCH AT AURANGABAD.

WRIT PETITION NO.6515 OF 2016

Anil S/o Uttamrao Ade ...Petitioner.

Versus

The State of Maharashtra
through Secretary
and others. ... Respondents.

...

Mr.R.M.Lone, advocate for the petitioner
Mr.K.D.Mundhe, A.G.P. for the State.
Mr.Mr.M.N.Navandar, advocate for Respondent Nos.2
and 3.
Mr.G.G.Kadam, advocate for Respondent Nos.4 to 6.

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**CORAM : S.V.GANGAPURWALA AND
S.M.GAVHANE, JJ.**

Date : 08.11.2017.

PER COURT :

1. Mr.Lone, learned counsel for the petitioner submits that pursuant to the advertisement dated 21.8.2014, the petitioner had applied for the post of Research Associate. The said advertisement was published by Respondent No.3. According to the learned counsel, the

petitioner was selected in walk-in-interview and was appointed on 1.9.2014. The appointment order though states that the appointment is purely temporary and for the year 2014-15, the same was to continue till the termination of the project. According to the learned counsel, the petitioner was even continued for the next year i.e. 2015-16 and on 31.3.2016, was issued letter of discontinuation and subsequently fresh advertisement is issued on 15.6.2016 for filling in the post held by the present petitioner. The learned counsel submits that this Court had ordered that the selection of any candidate pursuant to the said advertisement would be subject to the decision of the Writ Petition. One Mr.Satpute, was appointed on 27.6.2016, however, he resigned on 2.7.2016. The said post is still vacant. The petitioner is fighting for the said job and is in need of service. The learned counsel submits that the Project is still continued, as such the Respondents could not have discontinued the petitioner. According to the learned counsel, at the headquarters of Respondent No.6, fresh advertisement is issued

for the post of Research Associate at New Delhi. This would show that the post is not abolished. The learned counsel in alternate submits that the post of SRF (Senior Research Fellow) is still available. The petitioner is even ready to work on the said post.

2. Mr.Navandar, learned counsel for Respondent Nos.2 and 3 submits that because of the financial condition a policy decision has been taken not to recruit Research Associate and for the second phase the work was related more to meteorology for which the petitioner was not qualified. The learned counsel submits that thereafter the post has been abolished.

3. We have also heard learned counsel for Respondent Nos.4 to 6.

4. We could have considered the case of the petitioner, had the post being available at a place where the petitioner was recruited. The Additional affidavit is filed by Respondent Nos.2 and 3. In the said affidavit, it is stated that

due to shortage of funds provided by I.C.A.R. to the Project in the second phase (2017-18 to 2019-20) it was suggested in the annual work shop of NICRA to provide only one SRF post to all centres and no Research Associate post be recruited in the second phase.

5. When the said post itself is now abolished by the Respondents for the 2nd phase, it would not be possible to consider the case of the petitioner who was appointed temporarily and on a consolidated pay. It is also stated that the nature of work in the 2nd phase is different as far as Research Associate is concerned than the work in the first phase.

6. Be that as it may, as it is stated on affidavit by the Respondents Nos.2 and 3 that the post itself stands abolished in the 2nd phase, this Court can not come to the aid of the petitioner. In case some fresh advertisement is issued by the Respondents for the post for which the petitioner would be eligible, the petitioner certainly can apply thereto, which application

can be considered along with the experience of the petitioner.

7. The Writ Petition is accordingly disposed of. No costs.

(S.M.GAVHANE, J.)

(S.V.GANGAPURWALA, J.)

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