

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 784 OF 2016

Ramnath s/o Narayan Garje

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. A.G. Ambetkar, advocate for petitioner.

Mr. P.S. Patil, AGP for respondents 1 and 2.

Mr. D.N.Patil (Bankar) advocate for respondent no. 3.

**CORAM : DR. MANJULA CHELLUR, CJ. AND
R.M.BORDE, J.**

DATE : 30th June, 2017.

P.C. :

1. Heard learned counsel for petitioner as well as learned counsel for Zilla Parishad.
2. It is not in dispute that under the scheme introduced by the Government regarding appointment on contract basis under various resolutions, petitioner came to be appointed on contract basis to work as a driver in the Zilla Parishad, Ahmednagar. It is also not in dispute that in the last eight years, over different period and under different spells of time, petitioner was engaged as driver.
3. According to respondents, as and when the project needed the services of a driver, petitioner and similar other persons were engaged and once the project or the scheme comes to an end, the employment also goes to an end. According to them, they do not

even possess the vehicle in question since the project has completed.

4. Petitioner's contention is that in different Zilla Parishads in the State of Maharashtra, in terms of pages 265 and 266 of the petition, similarly placed persons are appointed as driver i.e. drivers working on contract basis were appointed against the permanent vacancy of drivers. Therefore, he seeks direction from this Court to extend similar relief to him directing respondents to appoint him as a regular driver on permanent basis.

5. In the light of settled law in the case of *Secretary, State of Karnataka and others Vs. Umadevi (3) and others*, **(2006) 4 Supreme Court Cases 1**, there cannot be any backdoor entry so far as appointment to the post against permanent vacancy. Even if, contract employees were to be in existence, they also have to compete with others if there is an advertisement for selection to the post, if permanent vacancy is available. Petitioner is not challenging the appointment given to other persons in other Zilla Parishads. He wants the same benefits to be extended to him.

6. In the light of law laid down by Apex Court in the case of *Secretary, State of Karnataka and others Vs. Umadevi and others* (supra), we are of the opinion that such a positive direction cannot be issued to respondents. Accordingly, the petition is dismissed.

R.M.BORDE, J.
JUDGE

CHIEF JUSTICE

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