

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

**WRIT PETITION NO.12352 OF 2017**

Syed Mois Ali S/o Amjad Ali

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr. V.V. Deshmukh advocate for the petitioner

Mr. S.P. Sonpawale, AGP for Respondents

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CORAM : **R. M. BORDE & VIBHA KANKANWADI, JJ**

(Date: October 9<sup>th</sup> 2017)

**PER COURT :-**

1 The petitioner is objecting to the decision rendered by the Maharashtra Administrative Tribunal (MAT) dated 16.8.2017; whereby the original application tendered by the petitioner came to be rejected.

2 The petitioner was appointed as a Guest Trainer under an advertisement issued by the Government Polytechnic. The training programme operated in the Government Polytechnic with assistance of teachers appointed on contractual basis is financed out of the fees collected from the students.

3 Since the course itself is on 'self-finance' basis and appointment of the petitioner is on contractual terms, on

payment of monthly honourarium, it cannot be construed that the petitioner has any right to the post. The vacancy is also not of a regular or permanent nature. The period of appointment under the advertisement also must have come to an end. There is no agreement executed between employer and employee in terms of letter of appointment. Even otherwise, since there is no agreement executed and since the Government Polytechnic did not accept any bond from the petitioner, he does not have any entitlement even during period specified under advertisement.

4 We do not find any inconsistency or error in the reasoning recorded by the MAT while rejecting the Original Application. Petition is devoid of substance and hence stands rejected. It would be open for the petitioner to participate in the process of selection that may be initiated by the respondents for making appointment on contractual or regular basis.

**( VIBHA KANKANWADI, J. )**

**(R. M. BORDE, J)**