

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

WRIT PETITION NO. 10797 OF 2017

Gojar Vishwanath Mote .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Sujeet D. Joshi, Advocate for the Petitioner.
Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 and 2.
Ms. Vaishali S. Choudhari, Advocate for Respondent Nos. 3 to 5

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 07TH FEBRUARY, 2018.

FINAL ORDER :

. Mr. Joshi, the learned counsel for the petitioner submits that, initially the petitioner was appointed in the year 2011 on contract basis by the respondent No. 3. Subsequently, on 29.01.2015 the services of the petitioner were regularized with effect from 02nd August, 2011. The petitioner was terminated under order dated 27.07.2017 on the ground that the petitioner's appointment was for a period of eleven months and as a bonded candidate. According to the learned counsel, the petitioner was terminated on the ground that the petitioner was not covered under Government Resolution dated 02.05.2009. According to the learned counsel the order dated 29.01.2015 has not been referred or considered while passing the termination order.

2. Ms. Chaudhari, the learned advocate for respondent Nos. 3 to 5 submits that, the petitioner was appointed on contractual basis. As such decision has been rightly taken by the authority. The learned counsel further submits that, the petitioner has an alternate remedy before the Commissioner. The petitioner has not availed said remedy.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. The order dated 29.01.2015 is placed on record, the same is in the nature of permanent certificate and the effect is given from the date of appointment of the petitioner that is 02.08.2011. While issuing impugned order, the order dated 29.01.2015 granting permanency to the petitioner is not considered.

5. It is further stated by the petitioner that, all other persons referred to in the order dated 29.01.2015 are absorbed and are working with the respondents. Considering the fact that, in the impugned order there is no reference of the order dated 29.01.2015 (page 35), the impugned order is quashed and set aside. The writ petition is accordingly allowed. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]