

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4675/2016.

Satish Kothuji Patle and others.

-VERSUS-

The State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
AND A.D. UPADHYE, JJ.

DATE : MARCH 16, 2018.

Heard Ms. N.A. Baila, learned Counsel for petitioners, Shri A. Chutke, learned A.G.P. for respondent nos. 1 and 2 and Shri B.N. Jaipurkar, learned Counsel for respondent no.4, for some time.

2. Submission of learned counsel for petitioners is when statute mandates posting as Part Time Instructor at a particular honorarium, Guest Instructor on hourly basis have been provided. Our attention is invited to policy decision incorporated in Government Resolution dated 01.09.2017, which prescribes qualification and method for selection of

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part time instructors.

3. Learned A.G.P. submits that the Government Resolution dated 01.09.2017 replaces all earlier decisions and it is reached because of directions given by this Court in a litigation at Aurangabad.

4. Question before this Court is – Whether as per the Government Resolution dated 01.09.2017, Part Time Instructors have been made available or not ?

5. Petitioners have been appointed as Guest Instructors for a period of three years, and that period is yet to expire. Though there are no interim orders, they are continued in service.

6. State Government has not filed any reply affidavit pointing out today's position. Even respondent no. 4 Chief Executive Officer has not placed on record any affidavit in reply.

7. Material on record therefore, shows that till Part Time Instructors are made available, petitioners cannot be substituted. Hence, we direct continuation of petitioners till they are substituted by Part Time Instructors. If petitioners are to be substituted or discontinued, advance notice of one month shall be served upon them.

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8. Petitioners are however, entitled to participate in selection process as Part Time Instructors as and when such process is undertaken.

9. With these directions and keeping all rival contentions open, we dispose of the present Writ Petition. No costs.

JUDGE

JUDGE

Rgd.