

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

WRIT PETITION NO. 6310 OF 2014

Govind Manikrao Sasane and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Kalyan V. Patil, Advocate for Petitioners.

Shri S. B. Pulkundwar, A.G.P. for Respondent Nos. 1.

The Respondent No. 2 is served.

Shri A. V. Hon, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.**

DATE : 12TH DECEMBER, 2019.

FINAL ORDER :

. The petitioners are appointed as accountant-cum-assistant on consolidated salary for four months under order dated 09.11.2011. Their appointments were to come to an end on 30th March, 2012. The petitioners were not continued. Thereafter, the petitioners filed complaints before the Industrial Court and complaints are dismissed.

2. Mr. Patil, the learned advocate for petitioners submits that, similarly situated persons instead of approaching Industrial Court, approached this Court directly and this Court protected their services in Writ Petition No. 7359 of 2012 with other connected writ petitions under order dated 05th September,

2012. The petitioners be also given protection. According to the learned counsel, the scheme is still in force. The budgetary provision is also made for 2019-2020. The petitioners would now become age barred and they would not be eligible to participate in the selection process. All these aspects need to be considered.

3. Mr. Hon, the learned counsel for the respondent No. 3 submits that, the petitioners in Writ Petition No. 7359 of 2012 with other connected writ petitions were employed as part time instructors and the Court had granted interim relief and they were in service. Interim order was made final. The present petitioners were appointed on contract basis and not on clock hour basis. After their tenure was over, they were not continued. The posts are not available.

4. The petitioners had not challenged the judgment delivered by the Industrial Court dismissing their complaints.

5. The petitioners seek directions against the respondents to issue fresh appointment orders. The petitioners upon lapse of contract period were not continued in service. The complaints before the Industrial Court are dismissed. After two years have filed present writ petition. The petitioners are trying to rely on the information issued by the State Project Director to contend that as against 50 schools one post of accountant-cum-assistant is sanctioned and for that budgetary provision is made. The same is for the year 2019-2020. Major part of 2019-2020 is already

over.

6. The petitioners are not in service since 01st April, 2012. We cannot direct as on date, the respondents to employ the petitioners afresh without selection process. The petitioners in Writ Petition No. 7359 of 2012 with other connected writ petitions were appointed as part time instructors on clock hour basis and they were already in service when Court had granted interim protection. As per the affidavit filed, for the posts of accountant cum support staff budget is not sanctioned from the year 2013-2014 and therefore, the said posts are lapsed/abolished.

7. Considering all the aforesaid aspects of the matter, we cannot grant any relief to the petitioners. In case, the posts are available, then it is for the Zilla Parishad to consider the filling in those posts as may be permissible under law.

8. In view of the above, the writ petition is disposed of. No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]