

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

WRIT PETITION NO. 10854 OF 2018

Vaishali Sahebrao Jadhav

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioner.

Shri S. P. Tiwari, A.G.P. for Respondent Nos. 1 and 2.

Shri R. J. Nirmal, Advocate for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 18TH SEPTEMBER, 2019.

FINAL ORDER :

. Mr. Thorat, the learned advocate for the petitioner submits that, the petitioner was appointed as Arogya Sevika (ANM) with Zilla Parishad, Jalna for two years on bond. The petitioner worked at Sub Centre Surangali Primary Health Centre, Jalgaon Sapkal, Tq. Bhokardan from 28.09.2016 for two years. The petitioner is discontinued. The scheme is run by the Health Department, Zilla Parishad, Jalna. The scheme is in force. As the scheme is in force, the petitioner could not have been discontinued from service. The employment of the petitioner is coterminous with the scheme. The learned counsel relies on the judgment of the Apex Court in a case of Mohd. Abdul Kadir and

another Vs. Director General of Police, Assam and others reported in (2009) 6 SCC 611. According to the learned counsel vacant posts are available. The respondent Nos. 3 and 4 be directed to continue the petitioner on the said post.

2. Mr. Nirmal, the learned advocate for the respondent Nos. 3 and 4 submits that, the petitioner was bonded candidate for two years. The bonded candidate is to be appointed for two years as per the policy. The persons are to be appointed for two years as a bonded candidate on the basis of the bond they have submitted while admitting them to the Government Nursing Institute. After two years the appointment is to be given to the fresh candidates. According to the learned counsel 20 posts are required to be filled in that manner and for other posts advertisement has been issued. The petitioner could have applied pursuant to the advertisement.

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

4. Admittedly, the petitioner is not in service on the date of filing the petition. The petitioner was already discontinued from service. It appears that, advertisement has been issued by the Zilla Parishad, Jalna for filling 135 posts of Arogya Sevak (Female). Said advertisement is issued on 02nd March, 2019.

The petitioner had every opportunity to compete pursuant to the said advertisement for the said post. As far as post on which the petitioner was appointed, the same is to be filled in by a bonded candidate for a period of two years. Twenty posts are meant for such purpose.

5. As the fresh advertisement was issued, the petitioner had the opportunity to claim employment. It is not the case that, the petitioner has worked for ten or more years so as to claim regularization.

6. As the posts are filled in by advertisement, the petitioner appointed on a temporary post as a bonded candidate could not have claimed right to be continued in service dehors the competition.

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

[ANIL S. KILOR, J.]

[S. V. GANGAPURWALA, J.]

bsb/Sept. 19