

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

Writ Petition No.1964 of 2017

Rishikesh Radhelal Katre and another

Versus

State of Maharashtra, through the Secretary, Education and Sports Department,
Mantralaya, Mumbai, and others.

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri M.V. Samarth, Advocate for Petitioners.

Shri A.A. Madiwale, Assistant Government Pleader for
Respondent Nos.1 and 2.

Shri A.Y. Kapgate, Advocate for Respondent No.3.

Coram : R.K. Deshpande & Vinay Joshi, JJ.

Dated : 14th February, 2019

In Writ Petition No.4629 of 2012 decided on 20-9-2013, the appointments of the petitioners herein were quashed and set aside. The petitioners were party-respondents in the said writ petition. The petitioners claim that they were working on clock-hour basis since last about seven years and hence they get the right of regularization in service. Reliance is placed upon the decision of the Division Bench of this Court in the case of *Sachin Ambadas Dawale and others v. State of Maharashtra and another*, reported in *2014(2) Mh.L.J. 36*, and it is urged that the petitioners in this case were appointed by following the procedure.

It is not possible for us to accept such submission. The petitioners were undisputedly working on clock-hour basis. The recruitment in the service of the Zilla Parishad is governed by the District Services (Recruitment) Rules. It is not in dispute that the procedure prescribed under the Recruitment Rules has not been followed. Be that as it may, if the posts are sanctioned, then all the persons eligible or entitled to compete in the process of selection will have to be provided an opportunity; otherwise, it will violate the provision of Article 14 and 16 of the Constitution of India. The regularization of 'back door' entries cannot be permitted. The decision referred to above does not apply to the facts of the case at hand.

The petition is dismissed.

(Vinay Joshi, J.)

(R.K. Deshpande, J.)