

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

WRIT PETITION NO. 4682 OF 2019

Chetan Nivrutti Mahajan and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Ms. P. S. Talekar h/f S. B. Talekar and Talekar and Associates, Advocate for the Petitioners.

Mrs. G. L. Deshpande, AGP for Respondent Nos. 1 to 3.

Mr. Sachin B. Munde, Advocate for Respondent Nos. 4 and 5.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 29th JANUARY, 2020.

PER COURT:-

. Heard Ms. Talekar, learned counsel for the petitioners and Mr. Munde, learned counsel for respondent Nos. 4 and 5.

2. The grievance of the petitioners is that though as per Government Resolution dated 28.08.2017 the services of the Special Technical Officer is required to be extended till 31.07.2022, the respondents are not continuing the same and are giving gaps. Even the salary is not paid though interim orders are passed by this Court. The learned counsel for the petitioners also relies on the appointment orders issued to the petitioners which states that the extension is

granted to the post of Special Technical Officer (MGNREGA) for further five years i.e. up to 31.07.2022.

3. The respondent Nos. 4 and 5 have filed affidavit-in-reply. Paragraph no. 12 of the affidavit-in-reply reads thus :

“I state that, as per Government Resolution dated 24.07.2015 and Government Resolution dated 28.08.2017 a Planning Department given extension to the post of ‘Special Technical Officer’, (MGNREGA), till 31.07.2022. If State Government not given extension to those post then Zilla Parishad have power to terminate the service of the petitioner No. 1 and 2. The petitioner have no right to claim employment as of right of the said post.”

4. In the light of the aforesaid, affidavit filed by the respondent Nos. 4 and 5, so also the Government Resolution dated 28.08.2017 the respondents shall not discontinue the services of the petitioners till 31.07.2022 only on the ground that the services of the petitioners are temporary. If the petitioners are working, they would be entitled for the salary.

5. As far as the claim for regularization is concerned, the petitioners may move the State Government and or the respondents. If such an application is filed by the petitioners, the authorities may take decision

on its own merits.

6. With these observations, the writ petition stands disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.