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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9061 OF 2016

Kirankumar Vilas Kokate

..Petitioner

vs.

State of Maharashtra & Ors.

..Respondents

.....

Mr. Dhairyasheel Sutar for petitioner.

Mr. P.V. Nelson Rajan, AGP for Respondent Nos. 1 and 2.

Mr. Akshay Shinde for respondent No.3.

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**CORAM : NITIN JAMDAR &
M.S.KARNIK, JJ.**

DATE : 7 FEBRUARY 2020

P.C.:-

By this Petition, the Petitioner has challenged the communication dated 2 November 2015 issued by the Director of Municipal Administration Directorate to the Respondent No.3 – Municipal Council and further direction to appoint/continue the appointment of the Petitioner on the post of Computer Programmer.

2. The Petitioner was appointed as a Computer Programmer with Respondent No.3 – Municipal Council and he worked for some time. The Petitioner filed a complaint in the Industrial Court

for seeking regularisation. The Industrial Court disposed of the complaint by order dated 31 January 2014 dismissing the complaint. The Petitioner, thereafter, filed the Writ Petition in this Court and the Writ Petition was dismissed. However, opportunity was given to the Petitioner to make a representation to the Respondents.

3. It is the case of the Petitioner that though the General Body of the Respondent – Municipal Council made a recommendation in favour of the Petitioner for absorption, the same was not accepted or acted upon by the Municipal Administration Directorate and a communication was issued by the Respondent No.2 – Director of Municipal Administration to the Respondent – Municipal Council. The Petitioner seeks setting aside the decision of the Administration of the Municipal Council and seeks to give effect to the resolution and the recommendation.

4. We do not find any fault with the stand taken by the Respondent No.2. Both, in the order passed by the Industrial Court and this Court, it has been established that the Petitioner's entry in the service was a back-door entry and he was not entitled to regularisation. The Petitioner's services having been terminated, no legal right that exists in the Petition to seek a writ from this Court to direct him to be appointed without following the due procedure including that of public participation. The law

regarding entry in public employment is settled and no writ can be issued in contravention of the said law. The Writ Petition is, accordingly, rejected.

(M.S.KARNIK, J.)

(NITIN JAMDAR, J.)