

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

CIVIL APPLICATION (W) NO.2058/2019

IN

WRIT PETITION NO.1983/2017

Dr. Bhagaban S/o Narayan Panda

..V/s..

The State of Maharashtra and another

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

Court's or Judge's orders

Shri P.R. Puri, Advocate for the petitioner.
Shri A.M. Joshi, A.G.P. for respondent Nos.1 and 2.

CORAM : RAVINDRA V. GHUGE & S.M. MODAK, JJ.

DATED : 12.2.2020.

1] The petitioner is the applicant in this civil application and prays for directions to the State of Maharashtra to consider his case for regularization as per the Government Resolution dated 18.7.2019, which is issued in the case of Abhijeet Pandit, a contractual employee.

2] We find that the applicant has put-forth the said prayer, in view of the judgment delivered by the learned Maharashtra Administrative Tribunal, Mumbai Bench granting regularization to several similarly situated contractual employees. The State of Maharashtra has challenged such judgments of the learned Maharashtra Administrative Tribunal.

3] It is pointed out that this Court has passed certain interim orders in the pending petitions filed by the State thereby protecting the services of such contractual employees and their continuance in employment is made subject to the result in the writ petitions.

4] Having perused the prayers put-forth in the writ petition and in the civil application, we find that the reliefs are almost identical. When this Court had issued notice in the writ petition on 4.4.2017, *ad interim* relief was granted to the petitioner in terms of prayer clause (c) and the respondents were restrained from terminating his services. As such, he is continuing as an Assistant Professor in the Sanskrit subject on contractual basis.

5] Considering the above, we find that as the petitioner is already protected by the *ad interim* order of this Court and is continued in employment, granting him regularization on the basis of his civil application would virtually amount to allowing the writ petition without a hearing. Since the protection granted to the petitioner continues even today, the civil application is **disposed off** and the said protection is continued till the decision in the writ petition.

6] Insofar as Civil Application No.2532/2019 is concerned, the applicant Pradip Akaramji Shende, is a

selected candidate by the Maharashtra Public Service Commission for being appointed as an Assistant Professor in Sanskrit and has not been granted an appointment order since the petitioner has blocked his position by occupying the same as a contractual employee on account of the *ad interim* order passed by this Court on 4.4.2017, he, therefore, seeks leave to intervene in this petition as his selection by the M.P.S.C. is being truncated on account of this petition and the petitioner occupying his position.

7] The learned Advocate for the original petitioner has strenuously opposed this application. We have perused his affidavit-in-reply (wrongly filed in Civil Application No.2058/2019) dated 5.11.2019.

8] We are of the view that a decision in this petition is likely to affect the rights of the intervention applicant. As such, it would be appropriate to allow the intervention applicant to participate in the writ petition proceedings so that he could also be heard and a decision in the writ petition would be delivered after hearing all the stake holders.

9] In view of the above, Civil Application No.2532/2019 is **allowed**. The petitioner shall array the intervention applicant as respondent No.3 in this petition within two weeks and supply him a copy of the entire writ petition paper book along with affidavits-in-reply,

within three weeks from today. Non-compliance of these directions would result in the *ad interim* relief dated 4.4.2017 being vacated without reference to the Court after three weeks.

10] The learned Advocate for the intervention applicant waives service in the writ petition as respondent No.3. Liberty is granted to file an affidavit-in-reply with proper pagination in continuation.

11] By the consent of the parties, list this petition for final hearing on **26.3.2020**. The learned A.G.P. is at liberty to circulate the other writ petitions, if filed at Nagpur, along with this petition for final hearing.

(S.M. MODAK, J.)

(RAVINDRA V. GHUGE, J.)