

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

WRIT PETITION NO. 3185 OF 2015

Vijay Ramkrishna Bahadure .. Petitioner

Versus

Marathwada Sanskritik Mandals
College of Physical Education
Aurangabad and another .. Respondents

Shri Gajendra D. Jain, Advocate for the Petitioner.
Shri Vasant Dankh, Advocate for the Respondent No. 1.
Shri Vivek V. Bhavthankar, Advocate for the Respondent No. 2.
Shri N. P. Dube, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.
DATE : 12TH JULY, 2021.**

FINAL ORDER :

. It appears that, the respondent Nos. 1 and 2 are extracting the work from the petitioner since the year 2004. In fact, the respondent Nos. 1 and 2 are estopped from raising a plea that the petitioner was not appointed by following due selection process. For seventeen years, the petitioner is made to work as a peon on daily wages. In the year 2015, the respondent No. 3 is appointed. The plea taken by respondent Nos. 1 and 2 is that on the said date the petitioner was over aged.

2. The respondent Nos. 1 and 2 are educational institution. They are certainly not acting as model litigants. In fact, they are exploiting the employees like the petitioner.

3. It would be appropriate for respondent Nos. 1 and 2 to absorb the petitioner, if, the post is vacant. Of course, if the petitioner possesses the necessary qualification and substantive vacant post is available, the respondent Nos. 1 and 2 shall consider the case of the petitioner in the light of the above observations.

4. In the light of the above, the writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 21