

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
976 WRIT PETITION NO.8237 OF 2020**

DR. SONALI VIKAS GAIKWAD

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ...RESPONDENTS

...

Mr. Shamsunder B. Patil, Advocate for the
Petitioner.

Mr. S. G. Karlekar, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 25th AUGUST, 2021.

PER COURT:-

1. The present petition arises against the judgment and order passed by the Tribunal in the Original Application filed by the petitioner seeking continuation in service.

2. Mr. Patil, learned counsel for the petitioner submits that, the petitioner was given assurance by the Authority that, as she has worked for more than two years on temporary basis, her services would be regularized. The learned counsel further submits that, even information was called by the Director of Medical Education under letter dated 19.06.2020 regarding the services rendered by the petitioner on ad-hoc basis, so that her services can be regularized as per the Government Resolution dated 10.08.2001. The learned counsel submits that, respondents have taken somersault and

are replacing the present petitioner by another ad-hoc candidate. The Tribunal failed to consider the said aspect.

3. Mr. Karlekar, learned A.G.P. submits that, the petitioner was appointed on ad-hoc basis. The last appointment of the petitioner was for 120 days and that too same was conditional. The bonded candidates are available and they are required to be appointed. The petitioner was appointed only as stop gap arrangement.

4. It appears that, the petitioner had worked for two years on ad-hoc basis as an Assistant Professor in the Government Dental College and Hospital. Subsequently, her services are not continued. The State Government also is required to appoint the bonded candidates available with them and bonded candidates certainly would have better rights than the petitioner. The respondents are also filling the posts through regularly selected candidates. In that case, the petitioner cannot claim to have a vested right.

5. In light of that, the judgment and order of the Tribunal may not require interference.

6. Mr. Patil, learned counsel submits that, posts are still vacant with respondents and the State be directed to continue the petitioner till the bonded candidate is appointed on the vacant post.

7. The respondents may consider the request of the petitioner for continuation of the post, if the post is sanctioned till the bonded candidate is appointed or regularly selected candidate is appointed.

8. With these observations, writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE