

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

936 WRIT PETITION NO.8805 OF 2021

CHHAYA YUVRAJ SONWANE & OTHERS
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for the petitioners : Mr.A.L.Kanade
AGP for the respondent-State : Mrs.M.A.Deshpande

...

**CORAM : RAVINDRA V. GHUGE &
S.G.DIGE, JJ.**

DATE : 06.04.2022

P.C. :

1. By this petition, the petitioners have put forth prayer clauses-B, C and D, as under:

[B] This Hon'ble High Court may be pleased to issue writ of mandamus or any other appropriate writ, order or directions in the nature of writ of mandamus, directing to respondents for issuance of appointment orders in the name of petitioners on sanctioned vacant class III & Class IV posts on contract basis in the Government and semi-Government Establishments in the view of directions provided under Government Circular dated 2.3.2019, 30.9.2020 and 22.2.2021 sequentially issued by Skill Development and Entrepreneurship Department, Finance

Department and General Administration Department, Mantralaya, Mumbai whereby directed to give personally preferred appointments to eligible Graduate Part Time Candidates.

[C] This Hon'ble High Court may be pleased to issue writ of mandamus or any other appropriate writ, order or directions, directing to respondents for implementation and execution of guidelines provided under Government circular dated 2.3.2019, 3.9.2020 and 22.2.2021 sequentially issued by Skill Development and Entrepreneurship Department, Finance Department and General Administration Department, Mantralaya, Mumbai for giving personally preferred appointments to eligible Graduate part time candidates, by exempting them from getting work from outsourcing agencies.

[D] This Hon'ble High Court may be pleased to issue appropriate writ, order or directions directing to respondents for implementation and execution of guidelines provided under introduction para No. 3 of Government Circular dated 30.10.2016 issued by General Administration Department, Mantralaya, Mumbai and whereby declared 10% parallel reservation to Graduate Part Time Candidates in direct service recruitments.

2. Having considered the submissions of the learned Advocate for the petitioners and the learned AGP, it

is not in dispute that there are Government Circulars by which the graduate part time candidates, who have earlier worked with certain Departments of the Government, have the scope of being granted employment limited for one year whenever the Government resorts to outsourcing of any activity. The said Government Circulars are dated 02.03.2019, 30.09.2020 and 22.02.2021 issued by the Skill Development and Entrepreneurship Department, Finance Department and General Administration Department.

3. It is also not disputed that respondent nos. 4 and 6 herein have the record of the data base. If the petitioners have performed some work which falls within the ambit of the said Circulars, their record is maintained by respondent nos. 4 and 6 and when their turn comes, based on the seniority maintained, they would be considered strictly in accordance with the guidelines and the Rules applicable.

4. For the sake of clarity, paragraph nos. 6, 7 and 8 of the affidavit-in-reply filed on behalf of respondent nos.1 and 6 are reproduced hereunder:

6. I say and submit that, before the response to the averment made in the petition the deponent with due respect to submits that, the Respondent No.4 department is no more role than facilitated to get register of data base. The

eligible candidates at one hand and also get registered the vacancy arises for the several department of State Government just to ensure the selection from the class of petitioners at the other hand. It is also not out of place to mention here that, the Respondent No.4 of its own having no power to create posts and to extend the employment. Therefore I say that, the role of Respondent No.4 is very limited and the Respondent No.4 is making every endeavour to perform the obligation casted on it with all care and caution to ensure the obligation.

7. *It is also important to note here that, as stated above I say and submit that, to ensure that, the class of persons who are registered with the Respondent No.4 will get an opportunity to employed themselves however, they could not be as a result of at limit the office of present deponent had already taken care and General Administration by GR dated 02.01.2019 extended the age limit up to 55 years just to meet the requirement of the time that the persons who could be able to get the employment could participate in the selection process up to age 55 years.*

8. *I say and submit that, it is also important to note here that, just enrolling or registering on the Web Portal / Data Base maintained by the office of present deponent is itself not give any right to any person for any employment. I say that, every person or the candidate shall*

*have to undergo the selection process and only meritorious candidate shall be considered for employment by the department concern. The copy of GR dated 02.01.2019 is annexed herewith and marked as **EXHIBIT R-2**.*

5. In view of the above, this petition is disposed off with the direction to respondent nos. 4 and 6 to maintain such a data base and if any of these petitioners legally have a right to be included in the list to be maintained as a part of such data base, they would find their names entered in the said list to be considered as and when their turn comes.

[S.G.DIGE, J.]

[RAVINDRA V. GHUGE, J.]

DDC