

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

WRIT PETITION NO. 14084 OF 2018

Sangita W/o Bibhishan Sangvikar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri R. D. Biradar, Advocate for the Petitioner.

Shri A. S. Shinde, A.G.P. for Respondent Nos. 1 and 3.

Shri Hanmant V. Patil, Advocate for the Respondent No. 2.

The Respondent Nos. 3 to 5 are served.

Shri U. R. Awate, Advocate h/f Talekar and Associates, Advocate for the Respondent No. 6.

**CORAM : S. V. GANGAPURWALA AND
 S. G. DIGE, JJ.**

DATE : 06TH JANUARY, 2022.

FINAL ORDER :

. Mr. Biradar, the learned advocate for the petitioner submits that, the petitioner by adhering to the due selection process was selected and appointed as Shikshan Sevak for eleven months from the Scheduled Caste category. According to the learned advocate, the petitioner joined her duties. After completing her tenure again the petitioner was continued for three months and the respondent No. 2 illegally appointed the respondent No. 6. The appointment of the respondent No. 6 is backdoor entry. Even the Standing Committee has passed resolution in favour of the petitioner. If the respondent No. 2 had to fill in the post, fresh advertisement ought to have been

issued. It is erroneous on the part of the respondent Nos. 2, 4 and 5 to contend that the working of the petitioner was not satisfactory. There was not a single complaint against the petitioner. The entire process of appointing the respondent No. 6 is illegal. The appointment of the respondent No. 6 deserves to be cancelled.

2. Mr. Patil, the learned advocate for the respondent No. 2/Corporation submits that, the petitioner and respondent No. 6 participated in the selection process pursuant to the advertisement. The petitioner was given appointment. The work of the petitioner was not found to be satisfactory. There were complaints against the petitioner, as such she was not continued. The respondent No. 6 was in the wait list. The respondent No. 6 thereafter was appointed. The respondent No. 6 had also participated in the selection process along with the petitioner.

3. Mr. Awate, the learned advocate for the respondent No. 6 adopts the arguments of Mr. Patil, the learned counsel for the respondent No. 2.

4. The appointment of the petitioner, it appears was contractual appointment for a specific period. After lapse of specific period a person would not get right to seek extension. It is for the employer to consider the said aspect. It appears as per the affidavit filed, the respondent No. 6 participated in the

selection process along with the petitioner, however, the petitioner was issued with the appointment order from reserved category. The contractual period has expired. The respondent Nos. 2, 4 and 5 did not find work of the petitioner to be satisfactory. The petitioner was discontinued and the respondent No. 6 is appointed. It is contention of the corporation that the respondent No. 6 was in the wait list and the same was exhausted by appointing the respondent No. 6.

5. The petitioner certainly cannot claim extension as of right. Moreover, it was upon the subjective satisfaction of the employer based on the objective assessment, the petitioner was not continued in the service.

6. As the contractual period was over, the petitioner could not claim as of right continuation on the same post. Naturally, the petitioner would be entitled for the salary for the period, the petitioner has worked.

7. We have not considered any other aspects of the matter. The same are kept open. The writ petition is disposed of. No costs.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]