

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

WRIT PETITION NO.1290 OF 2023

**AJAY VINOD SANGREL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Advocate for the Petitioner : Shri Kamble Dinkar G.
AGP for Respondents 1 to 4/State : Shri Shri P.S. Patil

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**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 06th February, 2023

Per Court :-

1. The petitioner claims that he was a daily wager working in class IV category as a Sweeper, earlier and then, promoted as Fireman, without being granted permanency. The proposal dated 19.09.2022 has been forwarded by the Chief Officer, Municipal Council, Purna to the Divisional Commissioner, Aurangabad, for considering grant of regularization to the petitioner on the post of Fireman. It is also stated in the said proposal that the Municipal Council be granted permission to fill in the said post of Fireman.

2. It is now well settled by the judgment of the Larger

Bench in *Municipal Council, Tirora and anr. Vs. Tulsidas Baliram Bindhade, 2016 (6) Mh.L.J. 867*, that mere completion of 240 days in employment with the Government or a State Instrumentality, unlike any private sector industry, cannot be a ground for regularization in service. So also, the claimant has to establish that he has been working regularly in the uninterrupted service of the employer, there are permanent posts available, that the candidate is eligible and qualified to be absorbed or appointed on such permanent vacant post.

3. Since such issues cannot be gone into by this Court, **this Writ Petition is disposed off.**

4. We would expect the Divisional Commissioner, Aurangabad, to deal with the said proposal on its own merits and strictly in accordance with the policies and the law applicable, within 120 days from today. If the petitioner is aggrieved after any decision is arrived at by the said authority, he would be at liberty to approach the competent forum for proving his case by leading oral and documentary evidence.