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

16 WRIT PETITION NO.2520 OF 2023

**VISHNU ASHOK BODAKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
GENERAL ADMINISTRATION AND REHABILITATION AND
OTHERS**

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Mr N. R. Thorat, Advocate for Petitioners;
Mr S. P. Tiwari, A.G.P. for Respondents/State

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

DATE : 6th March, 2023

PER COURT:

1. These seven Petitioners desire employment on the basis of 'Project Affected Person' Certificates. They pray that their representations dated 26/04/2019, 28/08/2020 and 18/01/2021, be considered on their own merits.

2. The learned A.G.P. points out a communication dated 09/06/2022, by which, the claim of Petitioner No.5 - Ashok Raosaheb Bodake, Vijay Jadhav and other persons set out therein, cannot be considered for direct appointment. The impugned order indicates that, project affected person can be considered from the

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5% reservation quota available at the time of recruitment of the employees.

3. The conclusion of the Sub Divisional Officer vide the order dated 09/06/2022, reads as under :-

"उपरोक्त विषयांकित प्रकरणी कळविण्यात येते की, शासन परिपत्रक संदर्भ क्र. २ मधील परिच्छेद ८ मध्ये व शासन निर्णय संदर्भाधीन क्र.१ नुसार प्रकल्पग्रस्त उमेदवारांच्या नियुक्त्या जाहिराती शिवाय व सेवाप्रवेश अर्हता व गुणवत्ता डावलून करता येणार नसल्याचे स्पष्ट केले आहे.

त्यानुसार प्रकल्पग्रस्त उमेदवारांच्या नेमणुका जाहिरात देऊन सरळसेवेच्या ५ टक्के आरक्षित पदांवर संबंधित पदाच्या सेवाप्रवेश नियमानुसार उमेदवारांची पात्रता तपासून व स्पर्धा परीक्षेद्वारे गुणवत्तेनुसार राज्य शासनाच्या विविध कार्यालयात नियुक्त करण्याची तरतूद आहे. यामुळे प्रकल्पग्रस्त सर्व श्री. विजय जाधव, अशोक बोडके व इतर यांना प्रकल्पग्रस्त संवर्गातून सरळ नियुक्ती देणे शक्य नाही.

करिता माहितीस्तव व कार्यवाहीस्तव सविनय सादर."

4. The learned Advocate for the Petitioners submits on specific instructions that, each of these Petitioners are now praying for their engagement on contractual basis on the strength of their 'Project Affected Person' Certificates and they would never request any Authority or Instrumentality or file any Writ

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Petition in this Court, seeking conversion of their contractual engagement into permanent employment.

5. In view of the above statement, which will bind the Petitioners, this petition is disposed off, with the direction that, Respondent Nos.2 and 3 may consider the representations of the Petitioners, only for the purpose of considering their cases for appointment on contractual basis in view of the statement that, they would never claim regularization or permanency or benefits, incidental or consequential to permanency, by gaining entry as contractual employees.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

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