

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

**CIVIL APPLICATION NO. 7697 OF 2023
IN
PUBLIC INTEREST LITIGATION NO. 98 OF 2021**

**SHREE SAI BABA SANSTHAN SHIRDI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr. A. S. Bajaj, Advocate for Applicant
Mr. D. R. Kale, Government Pleader for Respondent – State
Mr. Ajinkya Kale, Advocate h/f Mr. Talekar and Associates for
Petitioner

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 11.08.2023

PER COURT :-

1. On 14.07.2023, we had passed the following order:-

“1. The petitioner Sansthan has put forth prayer clause "B" as under:-

“(B) This Hon’ble Court may kindly grant permission to implement Order dated 20.05.2023 passed by the Ad-hoc Committee to appoint 11 Pujari and 10 Assistant Pujari on honorarium basis for 11 months on the term and conditions and by the procedure mentioned by the learned Ad-hoc Committee in its order dated 20.05.2023 which is annexed at (Exhibit ‘C-2’).”

2. We have called upon the learned Advocate for the applicant to take instructions as to whether the reservation policy would be applicable even for recruiting

11 Pujari and 10 Assistant Pujari on contractual 11 months basis. So also, prima-facie, we are of the view that the recruitment rules for the trust will have to be sanctioned. The learned Advocate for the trust informs us that the draft Rules have already been prepared (13 + 40). The draft Rules are shown to us. The same are collectively marked as ("X-3") for identification.

3. The learned Advocate for the Sansthan submits that these recruitment Rules are yet to be approved by the State Government, since the trust has still not tendered them to the Government for approval. It is stated that the permission of this Court would be necessary for forwarding these Rules to the State Government.

4. In view of the above, we permit the trust to tender the draft Rules ("X-3") to the appropriate Government for perusal and approval. So also, we have noted that under Chapter 3 - "Isok HkjrhlkBh vuqljko;kph dk;Zi/nrh", reservation policy is also made applicable while selecting the employees.

5. The applicant Sansthan would convey to the Court on the next date as regards the requirement/necessity for appointing contractual employees. If the recruitment rules are in place, the recruitment can be made in the light of the rules prescribed and by following the reservation policy.

6. The learned Advocate for the Sansthan submits that, on the next date he would address the Court as to why permission is sought for appointment of 11 Pujari and 10 Assistant Pujari only on honorarium basis.

7. Stand over to 28.07.2023, in the passing orders category."

2. Since we have directed the Sansthan vide order dated 11.08.2023 in Civil Application No. 8707 of 2023, to forward the draft recruitment rules to the Government for sanction, we are allowing this civil application in terms of prayer clause (B).

3. Needless to state, after the recruitment rules are sanctioned, the process for filling in the posts would be commenced and naturally, the ad-hoc employees will have no right to continue.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

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