

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7902 OF 2021

Khandu Aabaji Nalwade & Anr. Petitioners

Vs.

The State of Maharashtra & Ors. Respondents

Mr. S. S. Koregave I/b. Mr. Ashok M. Misal for the Petitioners
Mr. R. P. Kadam, AGP for Respondent Nos.1 to 4
Mr. Chetan G. Patil for Respondent No.5

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : MARCH 31, 2023

P.C.

1. The learned Counsel for the Petitioners submits that Respondent No.5 employed 37 persons in the year 2011 without following recruitment procedure, so also 29 persons in the year 2009 without following proper procedure. Respondent No.5 be directed to start the recruitment process.

2. The learned Counsel for Respondent No.5 submits that it is true that 37 persons were appointed in the year 2011 without issuing any advertisement. Respondent No.5 terminated the services of those 37 persons. Those 37 persons approached the Labour Court. The Labour Court set aside the termination. Respondent No.5 filed Revision. Same is pending.

3. The 29 persons employed in the year 2019 apprehending their termination, approached the Labour Court. The Labour Court passed prohibitory orders against Respondent No.5. Said matters are pending before the Labour Court.

4. Certainly, the employment cannot be given without following proper procedure i.e. issuance of an advertisement. Respondent No.5, while employing the persons in future also will have to follow the proper procedure.

5. As far as those 37 persons employed in the year 2011, a litigation is pending before the Labour and Industrial Court. It is for Respondent No.5 to defend the said proceedings.

6. As already the prohibitory orders are in force, no orders can be passed with regard to those 29 and 37 employees.

7. In light of the above, the Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)