

**BASAVRAJ
GURAPPA
PATIL**

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

WRIT PETITION NO. 7966 OF 2021

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BASAVRAJ GURAPPA
PATIL
Date: 2023.01.30
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Mr. Karunaratna Ashok Pawar & Ors. Petitioners

Vs.

Security Guards Board for Respondents
Brihanmumbai and Thane District & Ors.

Ms. Aswhini B. Jadhav for the Petitioners
Mr. Amardev Uniyal for Respondent Nos.1 and 2
Mr. R. S. Pawar, AGP for Respondent No.3
Mr. Niraj Prajapati for Respondent No.4

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

DATED : JANUARY 27, 2023

P.C.

1. The Petitioners seek regularisation in service. It is submitted by the learned Counsel for the Petitioners that the Petitioners are working as Clerk-cum-Typist. Two of the Petitioners are appointed in the year 2011 and 2012 and rest of the Petitioners are appointed in the year 2013 and in the year 2014. The Petitioners were initially appointed on daily wages and subsequently shown to have been working on contractual basis.

2. The learned Counsel for the Petitioners submits that the Respondents regularised the services of a similarly situated

employee Blaze George Anthony. Similar treatment has to be given to the Petitioners. The learned Counsel also submits that under the impugned order, it is erroneously stated that the Petitioners are appointed illegally. It appears that when the Petitioners were appointed, no advertisement was issued nor the same is issued till the date. The Petitioners were referred through Employment Exchange. They were legally appointed. The Petitioners possess necessary qualification. Two of the Petitioners have completed more than 10 years of service and rest of the Petitioners have completed 8 and 9 years of service. They are entitled to regularisation.

3. The learned Counsel for Respondent Nos.1 and 2 submits that Respondent Nos.1 and 2 are not against the Petitioners, however, as their appointment was not through selection process, it is not possible for Respondent Nos.1 and 2 to regularize the services of the Petitioners. Respondent Nos.1 and 2 had sought advice from the Government. The Government has also not given positive response.

4. The learned AGP submits that pursuant to the Government letter dated 25th April 2017 instructions were given by the Minister of State for Security Guards, Brihanmumbai and Thane District to permanently accommodate the 8 employees in the service of the Board. The report was called with objective feed back from the

Labour Commissioner under letter dated 9th November 2020.

5. This Court may not be in a position to come to the aid of the Petitioners, inasmuch as, we do not find any advertisement being issued nor the process of selection being resorted to at the time of initial engagements of the Petitioners.

6. It appears from the contentions that Respondent Nos.1 and 2 are in need of services of the Petitioners. Respondent Nos.1 and 2 may take up selection process and if such selection process is resorted to by Respondent Nos.1 and 2, then it may consider granting age relaxation to the Petitioners considering that they are working with Respondent nos.1 and 2 for a long period of time.

7. The Writ Petition is accordingly disposed of. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)