

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2445 OF 2022

Amol Gandhe And Ors.

...Petitioners

Versus

The State Of Maharashtra Through Principal
Secretary Higher And Technical Education
Dept. And Ors.

...Respondents

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CHAVAN

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Mr. Abhay Dhadiwal a/w Priyank Daga, Avni Vasani i/b Jayakar & Partners for the Petitioners.

Ms. Pooja Joshi-Deshpande, AGP for Respondent No.1.

Mr. Rui Rodrigues for the Respondent Nos. 2 and 3.

Ms. Devyani Kulkarni for Respondent Nos. 4, 5, 7 to 11, 13, 14, 17, 18 and 20.

Ms. Aprajita Mahto a/w Shrinath Badade a/w Kalpesh i/b Vaibhav Kadam for Respondent Nos. 6, 12, 15, 16 and 19.

**CORAM : NITIN JAMDAR AND
M.M. SATHAYE, JJ.**

DATE : 6 MARCH 2024

P.C. :

. Heard the learned counsel for the parties.

2. The Petitioners who are 6 in number have sought reliefs such as setting aside the decision taken in the Board Meeting dated 30 October 2021 absorbing the services of 17 contractual employees i.e.

Respondent Nos. 4 to 20 and also to fill up 45 posts by following recommendation of various committees stipulated therein.

3. The Petitioners contend that they possess all the necessary qualifications to be appointed as Assistants in Respondent No.3/University. It is their contention that they too had worked on contractual or daily wages basis, from the year 2007 to 2015. It is their grievance that when the decision was taken to absorb certain contractual employees, only Respondent Nos. 4 to 20 came to be absorbed and even though the Petitioners were eligible to be absorbed, they were not absorbed. It is the contention of the Petitioners that while passing order of absorbing Respondent Nos. 4 to 20, proper procedure was not followed.

4. We note that Respondent Nos. 4 to 20 had also worked for substantial long period of time. It is by a decision taken by the Respondent/University in the year 2021, they have been absorbed and now working. To a query as to how the absorption of 17 contractual employees i.e. Respondent Nos. 4 to 20 would affect the Petitioners' claim, it is not informed to us, that unless Respondent Nos. 4 to 20 are removed, the Petitioners who are 6 in number cannot be considered. In fact, it is the case of the Petitioners that there are 45 posts.

5. In these circumstances, the petition can be restricted for consideration of Petitioners' claim for being absorbed on contractual

basis on the ground that Respondent No.4 to 20 being similarly situated were absorbed. That being the position, we are not inclined to disturb the appointment of Respondent Nos. 4 to 20.

6. The learned counsel for the Petitioners states that the Petitioners have already made representation to the Respondent/University for their absorption in terms of recommendation of various committees stipulated in this petition and applying the same policy and logic as applied in the case of Respondent Nos. 4 to 20.

7. If such a representation is not made, we grant 4 weeks' time to the Petitioners to make a representation. The Respondent/University will take into consideration the necessary recommendations/reports of the committee, the criteria and logic applied while absorbing the services of Respondent Nos. 4 to 20 and if the Petitioners are found on parity with Respondent Nos. 4 to 20, will take appropriate decision. Let the decision be taken within a period of 8 weeks from today.

8. The Writ Petition is disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)