

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

WRIT PETITION NO. 13053 OF 2024

Kiran S/o Keshavrao Lahurikar and
Ors. .. Petitioners

Versus

The Union of India,
Through its Secretary, Department
of Justice, Ministry of Law and
Justice and Ors. .. Respondents

**WITH
WRIT PETITION NO. 9340 OF 2024**

Kore Ganesh Baban and Ors. .. Petitioners

Versus

The Union of India,
Through its Secretary (Expenditure)
Ministry of Finance, New Delhi-01
and Ors. .. Respondents

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Mr. S. B. Talekar, for the Petitioner in WP/13053/2024.

Mr. Rajendra Raghuwanshi a/w Ms Kainat Jalil Rakhanghi, for
the Petitioners in WP/9340/2024.

Mr. S. R. Nargolkar a/w Ms Neeta Patil, for Respondent Nos.4
and 5 in WP/13053/2024 and for Respondent No.4 in
WP/9340/2024.

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**CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 19 SEPTEMBER, 2024**

P.C:-

1. The two Writ Petitions are filed by the individuals, who
are working either as Senior System Officers or System
Officers in District and Taluka Courts in the State of

Maharashtra, under the e-Courts Project on contract basis, and the Petitions primarily seek their absorption and regularization, on the establishment of the High Court or the District Courts, as the case may be, by issuing a writ in the nature of mandamus or any other appropriate relief, direction or order, as the case may be.

By way of an interim order, an injunction is sought against the respondents, their agents and subordinates from terminating their services by appointing another set of ad hoc employees, pending the hearing and final disposal of the Writ Petitions.

2. We have heard learned counsel Mr. Talekar for the petitioners in Writ Petition No.13053 of 2024 filed by 27 System Officers working in various Taluka Courts and even District Courts in different districts.

As far as Writ Petition No. 9340 of 2024 is concerned, Mr. Raghuwanshi, represent 61 System Officers, who are similarly situated and seeking almost similar relief in the other Petition.

Today, we have recorded the presence of the Registrar General, High Court of Bombay, Respondent No. 4 in Writ Petition No. 13053 of 2024, who is represented by learned counsel, Mr. Nargolkar, who seek some time to file the affidavit in reply.

3. The learned counsel has placed before us the note submitted before the Administrative Committee of the High Court, headed by the Hon'ble the Chief Justice, in relation to the representation preferred by Senior System Officers and

System Officers working in the District and Taluka Courts in the State of Maharashtra, under the e-Courts Project on the contract basis, seeking their absorption and regularization and for extension of benefits available to the regular employees, such as annual increments, leave, dearness allowance etc. with retrospective effect.

4. Reading of the said note would disclose that, pursuant to the issuance of a Government Resolution sanctioning demands for technical manpower under the 14th Finance Commission for the post of Senior System Officers and System Officers, a recruitment process was undertaken for 199 technical posts, which included 40 posts of Senior System Officers and 159 posts of System Officers on contract basis in the year 2019, and on completion of the recruitment process appointment orders were issued to the eligible Senior System Officers and System Officers for 12 months on contract basis at the respective District and Taluka Courts in State of Maharashtra. Pursuant to the directions of the CMIT Committee, reappointment orders were issued for further period of 12 months, considering their performance report received from the head of the concerned District Courts.

Some of the Senior System Officers and System Officers, in the meantime, submitted their resignation and some were terminated, however, it is not in dispute that all the petitioners before us continued to hold the said post, though in respect of some of these officers, their tenure has come to an end on 15th September 2024.

16th and 17th September 2024 being holidays, the Writ Petitions were mentioned before us on 18th September 2024,

and we have granted circulation for today.

There can be no doubt about the fact that the services of these persons are very much required for continuing with the system, as the e-Committee of the Supreme Court had requested all the High Courts to create permanent technical manpower funded by the respective State Governments, as this manpower was very much necessary to support for ICT Enabled Courts and to create a sustainable mechanism for continuous smooth operation of the ICT System in the Courts.

Undisputedly, the petitioners before us are the professional technical support staff, which has been rendering services on their appointment through a regular recruitment process though on contract basis, but since at present their apprehension is that, they may be substituted by another set of ad hoc employees, awaiting the response from Respondent No. 4 as well as the response from the State Government, we deem it appropriate to grant ad-interim relief, in Writ Petition No.13053 of 2024 and Writ Petition No. 9340 of 2024, thereby directing the respondents not to terminate the services of the petitioners in both the aforesaid Petitions and replace them by another set of ad hoc employees.

5. Issue notice to the Respondent Nos. 1 to 3. Mr. Nargolkar waive notice for the Respondent Nos. 4 and 5.

Let the Respondent – Authorities file their reply affidavit within a period of four weeks from today.

Re-notify to 21st October 2024.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)