



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.3205 OF 2006

- 1) Balasaheb S/o Bhanudas Ghodke,
Age-32 years, Occu:Service as Jr. Clerk,
R/o-Mali Nagar, Ambejogai,
Taluka-Ambejogai, District-Beed,
- 2) Sayyed Taher Abdul Gaffar,
Age-32 years, Occu:Service as Jr. Clerk,
R/o-Gurwar Peth, Ambejogai,
Taluka-Ambejogai, District-Beed,
- 3) Samadhan S/o Dagdu Jogdand,
Age-32 years, Occu:Service as Jr. Clerk,
R/o-Morewadi, Taluka-Ambejogai,
District-Beed,
- 4) Karuna D/o Dhirang Mehetre,
Age-32 years, Occu:Service as Jr. Clerk,
R/o-Morewadi, Taluka-Ambejogai,
District-Beed,
- 5) Balasaheb S/o Ravan Barde,
Age-30 years, Occu:Service as Peon,
R/o-Dongarpimpla, Taluka-Ambejogai,
District-Beed,
- 6) Rajendra S/o Jalinder Palwade,
Age-32 years, Occu:Service as Peon,
R/o-Kaij, Taluka-Kaij, District-Beed

...PETITIONER

VERSUS

- 1) The State of Maharashtra,

- 2) The Assistant Registrar,
Co-operative Societies,
Ambejogai, Tq-Ambejogai,
District-Beed,
- 3) The District Deputy Registrar,
Co-operative Societies, Beed,
District-Beed,
- 4) The Agriculture Produce Market
Committee, Taluka-Ambejogai,
District-Beed,
- 5) The Secretary,
The Agriculture Produce Market
Committee, Taluka-Ambejogai,
District-Beed,
- 6) The Jt. Registrar,
Co-operative Societies,
Latur Division, Latur.

...RESPONDENTS

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Mr. B.B. Yenge Advocate for Petitioners.
Miss. Neha Kamble, A.G.P. for Respondent Nos. 1 to 3 and 6.
Mr. R.V. Gore Advocate h/f. Mr. V.D. Salunke Advocate for
Respondent Nos. 4 and 5.

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**CORAM: ALOK ARADHE, C.J. AND
RAVINDRA V. GHUGE, J.**

DATE : 18th MARCH, 2025

ORAL JUDGMENT [PER RAVINDRA V. GHUGE, J.] :

1. These are six Petitioners before us who have put
forth prayer clauses (C) and (D), which read as under:-

“(C) To quash and set aside the order passed by the Jt. Registrar, Cooperative Societies, Latur Division, Latur in M.A. nos. 15/2004, 16/2004, 17/2004, 18/2004, 19/2004 and 20/2004 passed on 14.10.2005 and for that purpose issue necessary order.

(D) To hold and declare that the petitioners are permanent employees of respondent Nos. 4 and 5.”

2. The learned Advocate appearing on behalf of the Agriculture Produce Market Committee (for short “the A.P.M.C.”) submits that he has no instructions as the A.P.M.C. is not in contact.

3. The contentions of the Petitioners are that they were recruited as per the advertisement issued by the A.P.M.C. on 30th August 2003. Appointment orders were issued to the Petitioners on 9th September 2003 and they continued in the employment till 15th December 2003. The learned counsel for the Petitioners clarifies that thereafter, Petitioner No.1 Balasaheb Bhanudas Ghodke continued in service and is still in the employment. The pleadings indicate that Respondent No.5 did not allow the

Petitioners to resume their duties as they were disallowed from signing the muster.

4. It is further contended that Respondent No.4 sent proposals of the Petitioners to the Assistant Registrar of Co-operative Societies, Ambejogai, for approval and recommendation to the District Deputy Registrar, Beed. It is stated that on 2nd December 2003, the Assistant Registrar, Co-operative Societies, Ambejogai recommended the case of the Petitioners for approval, to Respondent No.3 District Deputy Registrar, Beed, pursuant to their selection after the advertisement was published in a newspaper, namely, 'Ambejogai Times', on 30th August 2003, as regards the Special Drive to fill in the backlog of backward and other backward class candidates, undertaken by Respondent No.4.

5. The learned Advocate for the Petitioners submits that it is only Petitioner No.1 Balasaheb Bhanudas Ghodke, who is said to have been continued in the employment on temporary basis. So far as other Petitioners are concerned, the pleadings indicate that they had prayed for continuity in employment since they had worked continuously for a period of three months.

6. In view of the pleadings and the oral submissions made across the Bar, except Balasaheb Bhanudas Ghodke, none of the Petitioners are in employment after December 2003, having worked for only three months on temporary basis. No rights are vested in them. So far as Petitioner No.1 Balasaheb Bhanudas Ghodke is concerned, it is the oral submission of the learned Advocate that he is still continued in employment. If this be the position emerging from the record, the A.P.M.C. can very well consider the case of Balasaheb Bhanudas Ghodke for regularization if there is a vacancy available and considering that he has been working continuously for the last 22 years.

7. We clarify that we have not granted any relief to Petitioner Nos. 2 to 6.

8. Insofar as Petitioner No.1 Balasaheb Bhanudas Ghodke is concerned, the A.P.M.C. would scrutinize his case and if it appears from the record that he is continuously working for the last 22 years, his case may be considered for regularization by following the due procedure and if the vacancy is available.

9. With the above directions, the Writ Petition is disposed off. Rule is discharged.

10. All pending Civil Applications stand disposed off.

[RAVINDRA V. GHUGE, J.]

[CHIEF JUSTICE]

asb/MAR25