

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

WRIT PETITION NO. 10140 OF 2024

Shital Subhash Tambe

... Petitioner

Versus

The Director of Technical

Education Maharashtra

... Respondent

Mr. Satish Borulkar *i/b Mr. Omkar Kulkarni for the Petitioner.*

Mr. Kedar Dighe, *Addl. GP a/w Mrs. V. S. Nimbalkar, AGP for Respondent-State.*

CORAM : SANDEEP V. MARNE, J.

DATE : 8 JANUARY 2025.

P.C. :

1) The Petition challenges Judgment and Order dated 24 May 2024 passed by the learned Third Labour Court, Mumbai dismissing Complaint (ULP) No. 167 of 2019 filed by the Petitioner.

2) I have heard Mr. Borulkar, the learned counsel appearing for the Petitioner and Mr. Dighe, the learned AGP appearing for the Respondent-State.

3) After having considered the submissions canvassed by the learned counsel appearing for the parties, it appears that the initial engagement of the Petitioners was in pursuance of an

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advertisement by which the Respondent-State had proposed to undertake contractual employment under specific scheme. The advertisement itself made it clear that no permanent posts were created under the scheme. After being selected, the appointments of Petitioners were made on contract basis on consolidated honorarium for fixed tenure. The appointment orders again made it clear that the same were not made against any sanctioned vacant posts. In that view of the matter, Petitioner did not have any right to remain in service at the end of tenure of the contractual appointment. Provisions of Clause 4(c) of the Model Standing Orders cannot be invoked in the present case as grant of benefit of permanency to the Petitioners would indirectly amount to creation of posts on the establishment of the State Government. Division Bench of this Court in *Municipal Council, Tirora Vs. Tulsidas Baliram Bindhade*¹ has held that mere completion of 240 days of service in State Government or its instrumentalities does not create any right in favour of worker/employee to claim the benefit of permanency.

4) In my view, therefore, Petitioners did not have any semblance of right to remain in service of the State Government at the end of tenure of each contract. The Labour Court has rightly dismissed Petitioner's complaint.

5) Writ Petition is devoid of merits and same is accordingly **rejected**.

[SANDEEP V. MARNE, J.]

1 2016 (6) Mh.LJ. 867