



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, AT NAGPUR.**

**WRIT PETITION NO. 7634 OF 2025**

(Shree Pranay Ramesh Moon..Vs. State of Maharashtra and ors)

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

Mr. P.P. Thakare, Advocate for petitioner.

Mr. N.S. Rao, AGP for respondent Nos. 1 & 2/State.

**CORAM : ANIL S. KILOR & RAJNISH R. VYAS, JJ.**

**DATED : 08-12-2025.**

Heard Mr. Prashant Thakare, learned counsel for petitioner.

2. A prayer in this petition is to direct respondent No. 1 to absorb the petitioner and regularize his services in the Government Polytechnic College where petitioner was appointed against clear permanent regular post and to extend benefits including monetary benefits attached to the regular post.

3. According to the petitioner, he holds qualification of BE (Mining Engineering), M.Tech (Mining Engineering) and Ph.D. in (Mining Engineering). On 30.9.2021, he was appointed as Lecturer in Mining Engineering on clear and permanent post at Government Polytechnic College, Brahmapuri. On 6.9.2022, after successful completion of the said term, a fresh appointment order was issued in his favour. On 8.8.2023, the petitioner was again appointed for the academic session 2023. According to the petitioner, he has

completed more than three years and has assumed permanency in service. He submits that the respondent authorities cannot adopt hire and fire policy.

4. We have tested the contentions of the petitioner and have also gone through the record of the case. At the outset, it is necessary to mention here that this Court, while deciding the issue of regularization and permanency of services of visiting lecturers, who were working in Government Polytechnic College, has dealt with the law laid down by this Court as well as the Hon'ble Apex Court in various cases. Case of **Sachin Ambadas Dawale and Others Vs. State of Maharashtra and another** [2014(2)Mh.L.J. 36], was also considered. The relevant portion of the issue decided by this Court, in Writ Petition 391/2023, on 13.11.2025, is reproduced below:

*“23. If writ petition is perused, in the light of judgment of aforesaid position of law, it can be seen that exact details regarding entry and exit in appointment, gap between two appointment orders, manner in which after first appointment post were filled (whether selection committee was constituted or not, whether approval for filling the post was taken or not, should have been brought by the petitioners on record by way of positive evidence. Filing of affidavit and Pursis giving information about entry and exit will not be sufficient to grant the relief. Just filing proforma of appointment order of few petitioners and advertisement in cases of few would not be enough to extend the benefit of regularisation. In fact, for extending the benefit of regularisation, specific averment along with evidence by way of relevant documents ought to have been brought on record by the petitioners, of each petitioners independently to test the claim of each petitioners on the line of judgment in the case of **Sachin Dawale**(supra).*

To determine the applicability of **Sachin Dawle's** case, each of the petitioners need to establish by producing documentary evidence that due procedure of appointment was followed at the time of appointment of each of petitioner. The petitioners ought to have filed documentary evidence on record to establish such fact, namely the advertisement, document showing constitution of Selection Committee, the Select List, the Appointment Order showing nature of appointment, the period of appointment, the post on which such appointment was made.

24. Thus, it can be seen that while considering the issue, various aspects were taken into consideration including nature of appointment also. We have also perused the chart filed by the petitioners, by way of Pursis, in which details of appointment are given. If the said chart is perused, it would reveal that the petitioners have given the date of first appointment and years of service. Different petitioners have worked for different period ranging from two years to eleven years, but in absence of specific record or documentary evidence relating to each fact mentioned in respect of each of the petitioners, relief claimed cannot be granted.

25. Our thought process has also taken into consideration the fact that, while taking entry into service, the petitioners were very well aware of the fact that they were appointed as a visiting lecturers for particular period on fixed remuneration rates. The petitioners have accepted employment including relevant terms and conditions thereof, with open eyes..

26. It is further necessary to mention here that the law laid down by the Hon'ble Apex Court in **Secretary, State of Karnataka and Others Vs. Umadevi and Others, (2006) 4 SCC 1**, still holds the field. Even new trend in educational field like introduction of various new courses, which have been brought to our notice by way of Civil Application No. 595/2025, cannot be ignored. In said application, the respondents have categorically stated that new courses which are gaining popularity on demand in years like Mechatronics AIML etc also requires creation of new posts. It was also stated that for want of talent, the said posts could not be filled in. Though Civil Application was subjected to interim order and in reply to the said Civil Application, the petitioners have disputed the fact and called it as misleading argument, fact cannot be

*ignored that there are emerging new trends which requires hiring of new talent.*

27. *The argument that petitioners were working on the post for several years cannot be the only deciding factor for grant of regularization. The Hon'ble Apex Court in case of **Umadevi** (supra) has observed as under, which is sufficient to answer the said question.*

*“5. This Court has also on occasions issued directions which could not be said to be consistent with the Constitutional scheme of public employment. Such directions are issued presumably on the basis of equitable considerations or individualization of justice. The question arises, equity to whom? Equity for the handful of people who have approached the Court with a claim, or equity for the teeming millions of this country seeking employment and seeking a fair opportunity for competing for employment? When one side of the coin is considered, the other side of the coin, has also to be considered and the way open to any court of law or justice, is to adhere to the law as laid down by the Constitution and not to make directions, which at times, even if do not run counter to the Constitutional scheme, certainly tend to water down the Constitutional requirements. It is this conflict that is reflected in these cases referred to the Constitution Bench.”*

28. *It requires to be further considered that guest lecturers are invited only when there is a situation to impart education when the particular faculty is either not appointment or not available.*

29. *Much emphasis has been laid on judicial dictum in case of **Sachin Dawale** by both the parties. According to the petitioners, this Court in **Sachin Dawle's** case, in similar circumstances, granted regularization of services and permanency. The said judgment was taken exception to by State Government in Special leave to Appeal No. 39014/2013 which was also dismissed on 6-1-2015. The petitioners relying upon the said judgment have stated that in that case also, the persons, who claimed permanency were eligible candidates for the post of lecturers in Government Polytechnic Colleges in the State of Maharashtra. The petitioner therein had contended that there appointment was through legally constituted Selection Committee and on contractual basis, on*

*permanent and full time post and considering the aforesaid aspect, the permanency granted to them with regularization. Learned counsel Mr. Dangre, tried to distinguish aforesaid judgment of **Sachin Dawale** passed in Writ Petition No. 2046/2010 by this Court on 19-10-2013 by advancing an argument that the judgment dated 19-10-2013 was clarified subsequently on 27-04-2017 as the State had preferred Civil Application for clarification of order dated 19-10.2013. By taking aforesaid argument further Mr. Dangre contended that since the petitioners are not in services, following observation of the Court will make their claim fragile. Relevant observation of the Court, clarifying order dated 19-10-2013 on 27-04-2017, is reproduced below:*

*“We may specify that we have restricted the claim of the petitioners who were already in service when they had approached the Court. By no stretch of imagination, the said judgment could be applicable to the persons, who had already left the job and taken chances.”*

*We may also observe that, citing the said judgment, some of the employee, who are appointed on temporary or contractual basis and who are removed after putting in years or two years service are also seeking regularization. We may clarify that said judgment would not lay the ratio that the person, who are appointed on purely contractual or temporary basis without following the due selection process as laid down by the Hon'ble Apex Court in case of **Umadevi** would also be not entailed to regularization of their services.*

In the light of aforesaid observation, it is crystal clear that the appointment of petitioner was purely on contractual basis. Other requirements as narrated above are also not satisfied and therefore, we have no other option but to dismiss the petition. Accordingly, the petition is dismissed.

(RAJNISH R. VYAS, J)

(ANIL S. KILOR, J)