



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

WRIT PETITION NO. 3089 OF 2025

1. Mohd. Khalid Abdul Rahim,
Aged 35 years, Occ. Clock Hour Basic
Teacher, R/o. Near Rahimaniya Masjid,
Gaus Nagar, Karanja (Lad), Tah. Karanja
(Lad), Dist. Washim.
2. Safdar Ali Nazir Ali,
Aged 35 years, Occ. Temporary Teacher,
R/o. Old Bus Stand Karanja, Karanja (Lad),
Tah. Karanja (Lad), Dist. Washim,
Maharashtra- 444105.
3. Mohd. Ishaque Mohd. Yusuf,
Aged years, Occ. Clock Hour Basic Teacher,
R/o. Aastana Nagnath Mandir, Karanja
Lad, Karanja, Dist. Washim, Maharashtra.

... **PETITIONERS**

// VERSUS //

1. State of Maharashtra through its
Secretary, Ministry of Municipal
Administration Department, Mantralaya,
Mumbai-32.
2. State of Maharashtra through its
Secretary, Ministry of Higher Secondary
Education, Mantralaya, Mumbai-32.
3. The Deputy Director of Education,
Amravati Division, Office at Tope Nagar,
Amravati, Tah. & Dist. Amravati,
Maharashtra
4. Municipal Council, Karanja (Lad) through
its Chief Officer, Tah. & Dist. Washim.
5. Mulji Jetha Municipal Council Urdu High
School, Near Mangrol Base, Karanja (Lad),
Dist. Washim through Head Master.

... **RESPONDENTS**

Ms. Sana Shaikh a/w. Ms. Maya S. Updeshe, Advocate for petitioners.
Ms. Kavita Bhondge, AGP for respondent nos. 1 to 3.
Shri M. I. Dhatrak, Advocate for respondent nos. 4 and 5.

**CORAM :- SMT. M. S. JAWALKAR &
M. W. CHANDWANI, JJ.**

DATED :- 07.11.2025

ORAL JUDGMENT (PER: M. W. CHANDWANI, J.):-

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally with consent of the learned counsels for the parties.

3. The petition seeks directions to respondent nos. 4 and 5 to continue the appointment of the petitioners as Lecturer/Teacher on Clock Hour Basis (CHB) for the academic session 2025-26. Petitioner nos. 1 to 3 were appointed as Lecturer/Teacher on CHB by respondent no. 4 in the respondent no. 5- School since 2016-17. Thereafter, they were discontinued on the ground that the posts were filled up by regular recruitment. The petitioners approached this Court by filing Writ Petition No. 1470/2024 claiming permanency on the vacant posts which came to be dismissed on 08.03.2024 with the specific finding that initial appointment of the petitioners were purely temporary and on CHB and therefore, they cannot be said to be entitled for continuation and grant

of permanency. Now, the petitioners by the present Writ Petition are seeking directions to respondent nos. 4 and 5 to continue them as Lecturer/Teacher on CHB for the academic year 2025-26.

4. The contention is that, inspite of filling up some of the posts by regular recruitment, some other posts are still lying vacant. As per the petitioners, as much as five posts are still lying vacant. The learned counsel for respondent nos. 4 and 5 submitted that, though few posts are laying vacant but, the petitioners are not qualified to be appointed on some of the posts. A statement is also made that if the petitioners are found to be qualified to be appointed on the said vacant posts, their appointment as Lecturer/Teacher on CHB will be considered.

5. Hence, we feel it appropriate to direct respondent nos. 4 and 5 to continue/appoint the petitioners as Lecturer/Teacher on CHB if they are found to be eligible and if the posts are available even after being filled up by regular recruitment.

6. With these directions, the Writ Petition is disposed of. Rule is made absolute accordingly. No costs.

(M. W. CHANDWANI, J.)

(SMT. M. S. JAWALKAR, J.)