



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6982 OF 2025

Anil Laxman Rathod And Others

VERSUS

The State Of Maharashtra Through Its Secretary And Others

Mr. S. B. Bhosale, Advocate for petitioners

Mr. U. B. Ghute, Advocate for respondent Nos. 3 and 4

Mr. A. M. Phule, AGP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 16th January, 2026

ORDER (PER : Hiten S. Venegavkar, J.) :-

1. The petitioners has approached this Court under Article 226 of the Constitution of India challenging the communication dated 23.01.2020 issued by respondent No. 4. It is further prayed by the petitioner that respondents be directed to restore appointment of the petitioner before respective places as attendants with immediate effect. It is the contention of the petitioner that petitioners were appointed in pursuance of the contract executed by the respondent Nos. 3 and 4 with one E-governance Solutions Pvt. Ltd. Mumbai and accordingly, they were appointed as attendants in the office of respondent Nos. 3 and 4. They have rendered their services since the date of appointment till 23.01.2023. The learned Advocate for the petitioner relied upon letter dated 11.05.2023 and argued that the petitioners' appointment by this letter was discontinued. The main contention of the petitioners is that

petitioners being a contractual appointees, respondent Nos. 3 and 4 by executing a separate contract with another company cannot replace the petitioners by another contractual employee.

2. We have also heard the learned Advocate for respondent Nos. 3 and 4 and he has argued that the petitioners have no locus to challenge the impugned communication as they were never employees of respondent Nos. 3 and 4 and they came to be appointed in pursuance of a contract which was executed with the private agency by name E-governance Solutions Pvt. Ltd. Mumbai. As on date, the contract with the said private agency has been terminated and a new agency by name Disha Agency who is respondent No. 6 has been given contract and accordingly, the persons deputed by the said agency are already appointed and they are functioning.

3. We have considered the documents that has been placed on record and have also heard both the Advocates for respective parties. The documents suggest that the petitioners are appointed in the post of attendants in pursuance of an agreement executed as per the directions of the Central Government. In pursuance of the said agreement, the private agency E-governance Solutions Pvt. Ltd. Mumbai has deputed the present petitioners as attendants in the office of respondent Nos. 3 and 4. There is absolutely no relation of employer employee strictly

between the petitioners and respondent Nos. 3 and 4. The documents further suggest that in pursuance of the directions issued by the Central Government, the contract of the respondent Nos. 3 and 4 with E-governance Solutions Pvt. Ltd. Mumbai has been terminated for want of necessary funds in the year 2023 and accordingly such contract of the private agency has come to an end with respondent Nos. 3 and 4 even the services of the petitioners has been discontinued by respondent No. 3. The second aspect which requires to be considered is that the communication is of 11.05.2023 and the present petition has been filed in the year 2025, challenging the said communication. In the meantime, a separate agency has already been deployed by respondent Nos. 3 and 4 and the persons have already been deputed to function as attendants in the office of respondent Nos. 3 and 4. The contention of the learned Advocate for the petitioners based on the principle that contractual employee cannot be replaced by another contractual employee does not apply in the present case for a simple reason that petitioners were never deployed or appointed directly by respondent Nos. 3 and 4. In this background, there is no merit in the petition. Petition therefore, stands rejected.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi