



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO. 3059 OF 2026

SHAIKH AFROZ SHAIKH JAHANGIR

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY AND
OTHERS**

...

Mr. S. V. Deshmukh, Advocate for the Petitioner

Mr. S. B. Narwade, AGP for Respondent/s-State

...

**CORAM : SMT. VIBHA KANKANWADI AND
AJIT B. KADETHANKAR, JJ.**

DATE : 21.04.2026

PER COURT :-

. Present petition has been filed for directing Respondent Nos.2 and 3 to appoint the petitioner as a Sweeper by considering the past services rendered by the petitioner on daily wage basis.

2. The facts, which are not in dispute, are that by office order dated 08.03.2007, it appears that the present petitioner came to be appointed on Ad-hoc basis and as a temporary measure under the provisions of Rule 9(iv) of the Maharashtra Contingent Expenditure Rules, 1965. Initially, it was for the period between 12.03.2007 to 30.03.2007. It was then continued for the period 31.03.2007 to 02.04.2007 by order dated 02.04.2007. Thereafter, it appears that there was some gap and again by order dated 03.05.2007, he came to be appointed under the same rules for the period 04.05.2007 to 31.05.2007. Then by order dated 02/04.07.2009, he was appointed for the period 03.07.2009 to 31.07.2009. Thereafter, by order dated 11.04.2012, he was appointed for 19 days i.e. from 12.04.2012 to 30.04.2012 under the same

rules, which was then extended with gaps under orders dated 02.05.2012, 04.06.2012, 04.07.2012, 31.07.2012, 28.09.2012, 03.01.2013, 01/02.02.2013 and lastly on 28.02.2013/01.03.2013.

3. The petitioner has not produced any other record to show that thereafter, means after the period between 01.03.2013 and 26.06.2013, he was ever appointed or that his services were taken under any provision. It may not be possible to accept such contention, especially when there are different recruitment rules governing the employees working under the High Court. The appointment of the petitioner was on delay wage basis under the provisions of Rule 9(iv) of the Maharashtra Contingent Expenditure Rules 1965, which can be used only as a temporary measure as and when the need arises.

4. Now after a gap of almost 13 years, the petitioner is coming before this Court seeking an appointment as a Sweeper only on the basis of past experience. It is impermissible and does not fit within any of the rules governing recruitment. The petition is devoid of merits and past experience can be considered in regular recruitment as an additional point and not as the sole point on which the appointment can be given. If at all recruitment for the post of Sweeper is going on then the petitioner may apply and compete with other candidates.

5. With these observations, we dismiss the Writ Petition.

(AJIT B. KADETHANKAR, J.)

(SMT. VIBHA KANKANWADI, J.)