

(2017) 06 BOM CK 0005
In the Bombay High Court
Case No : 1217 of 2002

Vikas Pandurang Dongre, & Ors.

APPELLANT

Vs

State of Maharashtra, through its Secretary, Tech. Education
Department, & Ors.

RESPONDENT

Date of Decision : 28-06-2017

Acts Referred:

Citation : (2017) 06 BOM CK 0005

Hon'ble Judges : R. K. Deshpande, Swapna Joshi

Bench : DIVISION BENCH

Advocate : Anand Parchure, N.S.Rao

Final Decision : Dismissed

Judgement

1. The petition challenges the judgment and order dated 01.03.2002 passed by the Maharashtra Administrative Tribunal, Bench at Nagpur, dismissing Original Application No. 729 of 2001, seeking regularization on the posts of lecturers in Government Engineering College where the petitioners were working on ad hoc basis.

2. The Tribunal held that the appointments of the petitioners were till the duly selected candidate is made available by selection through Maharashtra Public Service Commission. The petitioners had applied for the posts in question, which were advertised through Maharashtra Public Service Commission, but were not selected. The additional posts were in existence and therefore, the petitioners had claimed that they could be regularized on those posts. The Tribunal has dismissed the original application, however, direction was issued to the respondents to follow the principle of "last come, first go" by terminating the services of adhoc employees.

3. No doubt that the appointments of the petitioners on ad hoc basis as lecturer were made after issuing advertisement for that purpose and conducting interviews. The posts which the petitioners were holding are of gazetted posts

and can be filled in on regular basis only upon the selection of suitable candidate by the Maharashtra Public Service Commission. Merely because the petitioners have worked on the posts for some years on ad hoc basis does not confer upon them any legal and enforceable right to get continuation in service by way of regularization.

4. In view of above, we do not find any substance in the challenge to the judgment and order passed by the Maharashtra Administrative Tribunal. The petition is dismissed. Rule is discharged. No order as to costs.