

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 408 OF 2021**

**DISTRICT : KOLHAPUR**

Dr (Shri) Kishor N. Deore )...**Applicant**

**Versus**

The State of Maharashtra & Ors )...**Respondents**

Shri B.A Bandiwadekar, learned advocate for the Applicant.

Shri A.J Chougule, learned Presenting Officer for the Respondents.

**CORAM** : **Justice Mridula R. Bhatkar (Chairperson)**  
**Shri P.N Dixit (Vice-Chairman) (A)**

**DATE** : **09.07.2021**

**PER** : **Justice Mridula R. Bhatkar (Chairperson)**

**ORDER**

1. Heard Shri B.A Bandiwadekar, learned advocate for the Applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.

2. The applicant, who is working as Assistant Professor [CTVS], C.P.R Hospital, Kolhapur, on ad hoc basis w.e.f 15.3.2008 and then from 13.3.2019 prays that till the hearing and final disposal of the Original Application, the Respondents be restrained from discontinuing the services of the applicant by appointing any

other ad hoc Assistant Professor [CTVS] and for having crossed 45 years of age and accordingly the applicant be allowed to continue to work as Assistant Professor [CTVS].

3. Learned counsel for the applicant submits that he was appointed for a period of 120 days subject to the terms and conditions mentioned in the pay scale of Rs. 9100/- with Grade Pay of Rs. 6000/-. He was appointed on ad hoc basis from 26.7.2019 and the last order was given on 12.3.2021. Thus, the last day of appointment of the applicant is 12.7.2021. He submits that the upper age limit of ad hoc appointment to the post of Assistant Professor [CTVS] is 40 years for the candidates belonging to open category and 45 years for candidates belonging to Backward Class. The applicant belongs to Other Backward Class and therefore, the applicant can continue to work on ad hoc basis till completion of 45 years.

4. Learned counsel for the applicant in support of his submissions, relied on the judgment of the Hon'ble Bombay High Court, Aurangabad Bench, **dated 12<sup>th</sup> March, 2012 in Rajendra V. Kamble Vs. Government of Maharashtra & Ors, W.P 5898/2010 & Ors.** Learned counsel for the applicant further submits that the application is based entirely on apprehension that the services of the applicant will not be continued after 12.7.2021 and hence prays for interim relief.

5. Learned P.O submits that the Respondents does not want to fill up any post at present and Respondents have also not given any advertisement for the said post. He submits that the Respondents want time to obtain necessary instructions to file affidavit in reply.

6. It is an admitted fact that the applicant is appointed for 120 days on ad hoc basis. The Government has not given any advertisement for filling up the said post by replacing other ad hoc appointments. In the case of Rajendra V. Kamble, (supra) the Government has re-advertised the post afresh after lapse of three years, for being filled up by new appointees on ad hoc basis. The Division Bench of the Bombay High Court found it contrary to the principles laid down in the case of State of Haryana & Ors VS. Piara Singh & Ors, (1992) 4 SCC 118, that one ad hoc appointee cannot be replaced by another ad hoc appointee.

7. On facts, thus the ratio laid down in the case of Hon'ble Bombay High Court in Rajendra V. Kamble's case (supra) is not applicable to the facts of the present case. The applicant cannot show us infringement of his any legal rights to grant him interim relief. We also rely on the order of the ad hoc appointment in favour of the applicant dated 13.3.2019 wherein in clause 8, it is specially mentioned that the applicant's appointment is of an ad hoc nature and he cannot claim right against the said post after his discontinuation.

8. Hence, for want of good reason, prayer for interim relief is rejected.

**Sd/-**  
**(P.N Dixit)**  
**Vice-Chairman (A)**

**Sd/-**  
**(Mridula Bhatkar, J.)**  
**Chairperson**

**Place : Mumbai**  
**Date : 09.07.2021**  
**Dictation taken by : A.K. Nair.**