

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

**ORIGINAL APPLICATION NO.488 of 2020 (AURANGABAD)
(THROUGH VIDEO CONFERENCING)**

Dr. Sonali D/o. Vikas Gaikwad,)
Assistant Professor of Prosthetic Dentistry)
Government Dental College and Hospital,)
Aurangabad.)
R/o. Plot No.12, Behind Sai Hospital,)
Uday Colony, Samarth Nagar,)
Aurangabad, District Aurangabad.)

..Applicant

Versus

- 1) The State of Maharashtra)
Through the Principal Secretary,)
Medical Education & Drugs Department,)
Mantralaya, Mumbai.)
(Copy to be served through the C.P.O. M.A.T.)
- 2) The Director, Medical Education and)
Research, Maharashtra State, Mumbai.)
- 3) The Dean,)
Government Dental College & Hospital,)
Aurangabad.)
- 4) Dr. Sagar Anilkumar Patil,)
Age : Major, Occu. Service,)
At Lavhe, Post : Shelgaon,)
Tq. Karmala, Dist. Solapur.)
- 5) Dr. Varad Prashant Pathak)
Age : Major, Occu. Service,)
In the O/O Govt. Dental College &)
Hospital, Tq. & Dist. Aurangabad)
- 6) Dr. Varsha Babruwan Kolhe,)
Age : Major, Occ. Service,)
In the O/O. Govt. Dental College)
& Hospital, Tq & Dist. Aurangabad.)

..Respondents

Shri S.B. Patil, learned Advocate for the Applicant.

Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

Shri K.S. Jadhav, learned Advocate for Respondent No.2.

CORAM : JUSTICE MRS. MRIDULA BHATKAR, CHAIRPERSON
SHRI P.N. DIXIT, VICE-CHAIRMAN

PER : JUSTICE MRS. MRIDULA BHATKAR, CHAIRPERSON

DATE : 10.12.2020

J U D G M E N T

1. Heard Shri S.B. Patil, learned Advocate for the Applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents and Shri K.S. Jadhav, learned Advocate for Respondent No.2
2. The Applicant, Dr. Sonali V. Gaikwad, working as Assistant Professor of Prosthetic Dentistry at Government Dental College and Hospital, Aurangabad prays that the Respondents are directed not to terminate or other wise to end the services of the Applicant and they are also to be directed to continue the services of the applicant by regularising the same.
3. The Applicant was appointed on a temporary basis on 11.09.2018 with technical break for 48 days to 120 days. Her last appointment order was on 20.10.2020 issued by the Government Dental College and Hospital, Aurangabad for 120 days or till joining the candidate recommended by M.P.S.C. selection board or till joining by nominated candidates or by the transfer, whichever is earlier. Thus, her present appointment would come to an end on 20.01.2021.
4. It is the case of the Applicant that till today she has completed 2 years of her service. However, now the Government has appointed three bonded Doctors and therefore her service is going to be terminated. Hence, this Original Application.

5. The learned Counsel Shri Patil who appears for the Applicant has submitted that she was given the assurance by the authority that as she is working on temporary basis since last 2 years, her service will be regularised. He pointed out that by the letter dated 19.06.2020 the Director of Medical Education had called information about the service rendered by the applicant on adhoc basis so that her service can be regularised as per the Government Resolution (G.R.) dated 10.08.2001.

6. The learned C.P.O. Shri Mahajan relied on the affidavit-in-reply filed by Dr. Kishor M. Mahale, working as Dean, Government Dental College and Hospital, Aurangabad on behalf of Respondents No.1 to 3. The learned C.P.O. Shri Mahajan submitted that the applicant is appointed purely on temporary basis as stop-gap arrangement till appointment of regular selected candidate or bonded candidate. Now the Director, Medical Education and Research have appointed three bonded candidates and they are required to join the services in Government Dental College and Hospital, Aurangabad. He further submitted that the bonded service is compulsory for such candidates who had completed graduation or post- graduation from Government Institutes and in the event of breach of such bond the candidate is required to pay Rs.50 lakh as penalty. The order of three candidates in the Government Dental College and Hospital, Aurangabad is already issued. One candidate is waiting to join the services as it is occupied by the applicant. He explained by the Government Circular dated 21.06.2020 the information of the candidates who have completed 2 or more years of service as Assistant Professor is collected but their services are not at all regularised till today.

7. The Applicant is to be replaced by permanent employee i.e. M.P.S.C. selected candidate or permanent candidate who is transferred or by bonded candidates.
8. Heard submissions of both the sides.
9. Our attention is drawn to letter dated 20.10.2020. It is last order of appointment of the applicant where it clearly shows that her appointment is conditional and for 120 days. Thus, at the time of her appointment the applicant was fully aware that if the candidate who has better right as mentioned in the order of appointment then she has to leave her service. The issue is not about that she is temporarily appointed as stop gap arrangement and she has no right or no claim over this post. On the contrary, the bonded candidate is required to join the service and start work and there should not be any breach in the bonded service.
10. The claim of the applicant that her services is to be regularised as she has put in longer period may be considered by the authority for any other appointment, but we make it clear that she has to vacate the post forthwith so that the bonded candidate can join the service.
11. With this, we vacate the interim relief and dismiss the present Original Application.

Sd/-

(P.N. Dixit)
Vice-Chairman

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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