

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NOS.340, 343, 344 of 2018 with O.A.135 of 2018

DISTRICT : SOLAPUR

ORIGINAL APPLICATION NO.340 OF 2018

1. Rajshekhar M. Shivsharan)
Age : 46, Occu.: Police Patil of Village)
Sindkhed, Tal. South Solapur, Dist. Solapur)
R/o. as above.)
2. Kalyani Y. Patil)
Age : 47, Occu.: Police Patil of Village)
Salgar, Tal. Akkatkot, Dist. Solapur)
R/o. as above.)
3. Pundlik C. Gaikwad)
Age : 46, Occu.: Police Patil of Village)
Auj (Mandrup), Tal.South Solapur,)
Dist. Solapur, R/o. as above.)
4. Dilip S. More)
Age : 41, Occu.: Police Patil of Village)
Singadgaon Pes, Tal. South Solapur,)
Dist. Solapur , R/o. as above.)
5. Jagananatha R. Patil)
Age : 53, Occu.: Police Patil of Village)
Sadlapur, Tal. Akkatkot, Dist. Solapur)
R/o. as above.)
6. Apparao N. Patil)
Age : 48, Occu.: Police Patil of Village)
Rajur, Tal. South Solapur, Post Aurad,)
Dist. Solapur, R/o. as above.)

7. Anilkumar S. Tele)
 Age : 45, Occu.: Police Patil of Village)
 Aurad, Tal. South Solapur, Dist. Solapur,)
 R/o. as above.)
8. Somshekhar P. Shivshetti)
 Age : 51, Occu.: Police Patil of Village)
 Sangdari, Tal. South Solapur,)
 Dist. Solapur, R/o. as above.)
9. Dnyaneshwar D. Ghayal)
 Age : 48, Occu.: Police Patil of Village)
 Ulewadi, Tal. South Solapur,)
 Dist. Solapur, R/o. as above.)Applicants

Versus

1. The State of Maharashtra, through)
 Principal Secretary, Home Department,)
 O/at Mantralaya, Mumbai - 400 032.)
2. The District Collector,)
 Solapur, O/at. Solapur.)
3. The Sub Divisional Officer, Solapur-2)
 O/at. Solapur.).....Respondents

WITH

ORIGINAL APPLICATION NO.343 OF 2018

- 1) Shri Lahu Sahebrao Kamble,)
 Working as Police Patil of Village Rui,)
 Tal. Barshi, Dist. Solapur.)
 R/o. As above.)
- 2) Dhananjay Prabhakar Deshmukh)
 Working as Police Patil of Village Mordi,)
 Tal. North Solapur.)
 Dist. Solapur)
 R/o. As above.)

- 3) Kishor Gajrang Bhosale,)
Working as Police Patil of Village Raulgaon,)
Post Goudgaon, Tal. Barshi,)
Dist. Solapur.)
R/o. As above.)
- 4) Madhukar Vitthal Bade,)
Working as Police Patil of Village Nariwadi,)
Tal. Barshi, Dist. Solapur.)
R/o. As above.)
- 5) Santosh Manik Sarwade,)
Working as Police Patil of Village Dhorale,)
Tal. Barshi, Dist. Solapur.)
R/o. As above.)
- 6) Vivek Vitthal Bodhale,)
Working as Police Patil of Village Borgaon (Jha))
Tal. Barshi, Dist. Solapur.)
R/o. As above.)
- 7) Shashikant Mahadeo Mate,)
Working as Police Patil of Village Zhadi (Bo),)
Tal. Barshi, Dist. Solapur.)
R/o. As above.)
- 8) Kishor Babasaheb Kashid,)
Working as Police Patil of Village Pimpre(Pa))
Tal. Barshi, Dist. Solapur.)
R/o. As above.)
- 9) Balasaheb Bibhishan Patil,)
Working as Police Patil of Village Sasure,)
Tal. Barshi, Dist. Solapur.)
R/o. As above.)
- 10) Tukaram Vishnu Kamble,)
Working as Police Patil of Village Sarjapur,)
Tal. Barshi, Dist. Solapur.)
R/o. As above.).....Applicants

V/s

1) The State of Maharashtra & 2 Ors.).....Respondents

WITH

ORIGINAL APPLICATION NO.344 OF 2018

- 1) Shri Laxman Vitthal Babar,)
Working as Police Patil of Village Mile,)
Tal. Malshiras, Dist. Solapur.)
R/o. As above.)
- 2) Rajsinh Uttamrao Magar,)
Working as Police Patil of Village Garwad,)
Tal. Malshiras, Dist. Solapur.)
R/o. As above.)
- 3) Govind Vishnupant Patil,)
Working as Police Patil of Village Tandulwadi,)
Tal. Malshiras, Dist. Solapur.)
R/o. As above.)
- 4) Sambhajirao Anantrao Patil,)
Working as Police Patil of Village Nimgaon,)
Tal. Malshiras, Dist. Solapur.)
R/o. As above.)
- 5) Mahesh Uttamrao Patil,)
Working as Police Patil of Village Borgaon,)
Tal. Malshiras, Dist. Solapur.)
R/o. As above.)
- 6) Mahavir Ramhandra Patil,)
Working as Police Patil of Village Umbre,)
Tal. Malshiras, Dist. Solapur.)
R/o. As above.)
- 7) Pandurang Nivrutti Patil,)
Working as Police Patil of Village Malwali,)
Tal. Malshiras, Dist. Solapur.)
R/o. As above.)
- 8) Shankarrao Machhindra Shinde-Patil,)
Working as Police Patil of Village Bijrwadi,)
Post Malingar, Tal. Malshiras, Dist. Solapur.)
R/o. As above.)

9) Vijaykumar M. Patil,)
 Working as Police Patil of Village of)
 Malkhambe, Tal. Malshiras, Dist. Solapur.)

V/S

1) The State of Maharashtra & 2 Ors.).....Respondents

WITH

ORIGINAL APPLICATION NO.135 OF 2018

Shri Darasingh M. Shinde,)
 Age : 42, Occu.: Agri.,)
 R/at Dahegaon, Tal. Karmala, Dist. Solapur)...**Applicant**

Versus

1. The State of Maharashtra, through)
 Secretary, Revenue Department,)
 O/at Mantralaya, Mumbai - 400 032.)
2. The Secretary, Home Department,)
 Mantralaya, Mumbai.)
3. The Sub Divisional Officer, Madha)
 Division, Kurudwadi, Tq. Madha,)
 Dist. Solapur.)

Mr. A. V. Bandiwadekar, Advocate for Applicants

Ms S. P. Manchekar, Chief Presenting Officer (O.A.Nos.340 & 344/2018)

Smt Archana B. K., Presenting Officer for Respondents (O.A.No.135/2018)

Shri S. D. Dole, Presenting Officer for Respondents (O.A.No.343/2018)

CORAM : SHRI A.P. KURHEKAR, MEMBER-

DATE : 14.06.2019

JUDGMENT

1. In all these Original Applications, the Applicants who were appointed on the post of Police Patil temporarily are seeking relief of regular appointment on

the post of Police Patil and also challenged the Notifications dated 13.03.2018 and 14.03.2018 for initiating regular process for the appointment of Police Patil.

Shortly stated facts giving rise to these applications are as follows:

2. The Applicants in all these Original Applications were temporarily appointed on the post of Police Patil for various villages in Solapur District under Rule 6 of the Maharashtra Village Police Patils (Recruitment, Pay, Allowances and other condition of service) Order, 1968 (hereinafter referred to as Order, 1968 for gravity). They were appointed on the post of Police Patil initially for the period of two months on various dates and their temporary appointments thereafter continued by extending two months period from time to time. The following chart shows that the Applicants initial appointment and last appointment.

O.A.No.340 of 2018				
	Name of the Applicant	Date of Appointment	Last date of Appointment	No. of orders
1	Rajshekhkar M. Shivsharan	16.07.2003	05.10.2004	8
2	Kalyani Y. Patil	01.07.1996	03.02.2004	3
3	Pundlik C. Gaikwad	16.05.2002	26.06.2006	4
4	Dilip S. More	13.01.2004	23.09.2004	4
5	Jagananatha R. Patil	05.10.1989	30.04.2004	6
6	Apparao N. Patil	18.06.2001	29.06.2002	4
7	Anilkumar S. Tele	01.07.2011	31.08.2011	1
8	Somshekhar P. Shivshetti	23.06.2003	13.11.2004	7
9	Dnyaneshwar D. Ghayal	30.07.1999	09.11.2004	7
O.A.No.343 of 2018				
1	Shri Lahu Sahebrao Kamble	25.02.2005	02.09.2008	11
2	Dhananjay Prabhakar Deshmukh	01.01.2004	--	1
3	Kishor Gajrang Bhosale	12.09.2008	--	1
4	Madhukar Vitthal Bade	17.01.2008	--	1
5	Santosh Manik Sarwade	12.05.2005	12.09.2008	11
6	Vivek Vitthal Bodhale	12.05.2005	12.09.2008	10
7	Shashikant Mahadeo Mate	12.05.2005	20.05.2006	4

8	Kishor Babasaheb Kashid	12.05.2005	12.09.2008	9
9	Balasaheb Bibhishan Patil	21.12.2004	12.09.2008	10
10	Tukaram Vishnu Kamble	25.02.2005	12.09.2008	11
O.A.No.344 of 2018				
1	Shri Laxman Vitthal Babar	08.01.2004	17.01.2010	4
2	Rajsinh Uttamrao Magar	04.09.2002	06.10.2003	5
3	Govind Vishnupant Patil	06.09.2002	07.01.2004	6
4	Sambhajirao Anantrao Patil	25.06.2010	24.08.2010	1
5	Mahesh Uttamrao Patil	23.09.2008	07.04.2010	5
6	Mahavir Ramhandra Patil	25.11.2003	19.10.2004	3
7	Pandurang Nivrutti Patil	19.08.2009	07.01.2010	3
8	Shankarrao Machhindra Shinde-Patil	07.02.2004	17.01.2010	4
9	Vijaykumar M. Patil	03.04.2002	19.10.2006	10
O.A.No.135 of 2018				
1	Shri Darasingh M. Shinde	16.06.2003 26.06.2010		2

3. The Applicants contend that they have worked on the post of Police Patil though temporarily for longer period and in view of their experience they are entitled for regular appointment in terms of G.R. dated 28.06.2011. As per clause 4 of G.R. dated 28.06.2011, there must be 13 orders of temporary appointment of total period of more than two years for regular appointment. Though the Applicants have worked on the post of Police Patil for longer period, the orders of temporary appointment of Police Patil are less than 13. Therefore, the Applicants as well as their Union made representation to the Government to relax the clause No.4 of G.R. dated 28.06.2011. In pursuance of the same, on 18.05.2015 meeting was conveyed by the Principal Secretary, Home Department, Mantralaya wherein amendment to G.R. dated 28.06.2011 was proposed to the effect that instead of eligibility of having 13 years criteria of temporary appointment, the period of two years would be enough. Accordingly, proposal was moved but same has not materialized.

4. In the meantime, Sub Division Officers (S.D.O.) have issued Notifications dated 13.03.2018 and 14.03.2018 for initiating the process for the regular appointment of the Police Patil of various villages in Solapur district in terms of provisions of Order, 1968.

5. On the above background, the Applicants have filed the present Original Applications to set aside the Notifications dated 13.03.2018 and 14.03.2018 issued for recruitment of Police Patil and also seek relief of regular appointment on the post of Police Patil of the respective villages on which they have worked temporarily. The Applicants further contend that they are subjected to discrimination as in same district in other Talukas, the candidates who were temporarily appointed were confirmed by issuing regular appointment in terms of G.R. dated 28.06.2011.

6. The Respondents resisted the Applications inter-alia denying the entitlement of the Applicants to the relief claimed in the applications. It is not in dispute that in past, the Applicants were appointed temporarily on the post of Police Patil under Clause 6 of the Order, 1968 as shown in the chart set out above. However, the Respondents contend that their period of temporary appointment has been expired long back and they do not fulfill the criteria of having at least 13 orders of temporary appointment as contemplated in G.R. dated 28.06.2011 for regular appointment. It is not in dispute that respective SDOs have issued Notifications dated 13.03.2018 and 14.03.2018 for appointment of Police Patil on regular basis in terms of Order, 1968. The Respondents contend that in pursuance of the said Notifications, the process has been already completed and regular appointments are already issued to eligible and selected candidates. The Respondents denied that the Applicants are subjected to discrimination. Thus sum and substance of the defence is that the

Applicants have no vested rights to seek appointment on the post of Police Patil and applications in view of completion of regular process of appointment of Police Patil by Notifications dated 13.03.2018 and 14.03.2018 have become infructuous.

7. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants, Ms S.P. Mancheakr, learned Chief Presenting Officer for the Respondents (O.A.Nos.340 & 344/2018), Smt. Archana B. K., learned Presenting Officer for the Respondent (O.A.No.135/2018) and Shri S. D. Dole, learned Presenting Officer for the Respondent (O.A.No.343/2018).

8. Having gone through the pleadings and on hearing the submissions, the issue posed for consideration is whether the Applicants have vested rights enforceable in law to seek appointment on the post of Police Patil.

9. At the very outset, it needs to be stated that admittedly in the past, the Applicants were appointed temporarily on the post of Police Patil initially for the period of two months and thereafter the period of temporary appointment was extended from time to time by issuing fresh orders of two months each. The chart set out above demonstrates the period of their temporary appointment and number of temporary appointments. As such, it is crystal clear that their tenure had already come to an end much before filling the present O.A. Besides undisputedly, none of the Applicants have 13 temporary appointment orders as per requirement of G.R. dated 28.06.2011. Furthermore, undisputedly the concerned SDOs of the respective divisions have initiated the process for regular appointment in terms of Order, 1968 and process has been completed by issuance of regular appointment orders in favour of selected candidates.

10. At this juncture, it would be apposite to refer the relevant clause of G.R. dated 28.06.2011 which is as follows:-

- “४. जिल्हाधिका-यांनी वरीलप्रमाणे कळविल्यानंतर संबंधित उपविभागीय दंडाधिकारी :-
- अ) त्यांच्या उपविभागात दोन वर्षांपेक्षा जास्त हंगामी पोलीस पाटील म्हणून सेवा केलेल्या पोलीस पाटलांची यादी तयार करतील. (दोन वर्षांपेक्षा अधिक म्हणजे ज्या पोलीस पाटलांना तहसिलदार/उपविभागीय दंडाधिकारी यांनी दोन-दोन महिन्यांच्या कमीत -कमी तेरावेळा नियुक्त्या दिलेल्या आहेत व या नियुक्तीच्या कालावधीत हंगामी पोलीस पाटलांनी प्रत्यक्ष काम केले आहे, अशा हंगामी पोलीस पाटलांची उपविभागीय दंडाधिकारी प्रथम यादी तयार करतील.)
- ब) यादी निश्चित केल्यानंतर उपविभागीय दंडाधिका-यांनी यादीतील हंगामी पोलीस पाटलांची, स्थानिक पोलीस स्टेशनकडून चारित्र्य पडताळणी करून घ्यावी. स्वच्छ व निष्कलंक चारित्र्य असणा-या पोलीस पाटलांचा पुढील कार्यवाहीसाठी विचार करावा.
- क) प्रथम हंगामी नियुक्तीच्यावेळी, पोलीस पाटील नियुक्तीसाठी शासनाने विहित केलेल्या वय, शिक्षण इत्यादी अटींची सदर हंगामी पोलीस पाटील पूर्तता करित असल्याबद्दलची खातरजमा उपविभागीय दंडाधिकारी यांनी करावी.”

11. True, in pursuance of the representations made by the Applicants as well as their Union, some steps were taken to amend Clause 4 of the G.R. dated 28.06.2011. No doubt, perusal of Minutes of Meeting dated 18.05.2015 held under the Chairmanship of Principal Secretary, Home Department reveals that the amendment to Clause 4 of G.R. dated 28.06.2011 was proposed, which is as follows:-

“ दि.२८.०६.२०११ च्या शासन निर्णयातील अट क्र.४(अ) मध्ये पुढीलप्रमाणे बदल करण्यात यावा.

“त्यांच्या उपविभागात दोन वर्षांपेक्षा जास्त हंगामी पोलीस पाटील म्हणून सेवा केलेल्या पोलीस पाटलांची यादी तयार करतील. (दोन वर्षांपेक्षा अधिक म्हणजे ज्या पोलीस पाटलांना तहसिलदार/उपविभागीय दंडाधिकारी यांनी दोन-दोन महिन्यांच्या कमीत -कमी तेरावेळा नियुक्त्या दिलेल्या आहेत व या नियुक्तीच्या कालावधीत हंगामी पोलीस पाटलांनी प्रत्यक्ष काम केले आहे. अशा हंगामी पोलीस पाटलांची उपविभागीय दंडाधिकारी प्रथम यादी तयार करतील.)”

ऐवजी

“त्यांच्या उपविभागात दोन वर्षांपेक्षा जास्त हंगामी पोलीस पाटील म्हणून सेवा केलेल्या पोलीस पाटलांची यादी तयार करतील.”

२) पोलीस पाटील यांना प्रशिक्षण बंधनकारक करण्यात यावे, यासाठी आवश्यक शासन निर्णय निर्गमित करण्यात यावा.

वरिलप्रमाणे निर्देश देऊन व उपस्थितांचे आभार मानून बैठक समाप्त झाली.’’

12. During pendency of this O.A. at initial stage, the issue of proposed amendment was raised and directions were given to the learned P.O. to apprise the Tribunal about decision of the Government for amendment to G.R. dated 28.06.2011 as proposed by the Committee. However, the Tribunal was informed that no such decision is yet taken by the Government. This being the position, there is no denying that as on today, there is no amendment to the G.R. dated 28.06.2011. Needless to mention until G.R. dated 28.06.2011 is amended suitably as the Committee proposed, the matter needs to be examined in the light of existing provisions of G.R. dated 28.06.2011.

13. As stated above, in terms of G.R. dated 28.06.2011, eligibility for regular appointment is that there should be 13 orders of appointment of two months each and the total period of temporary appointments should be more than two years. Furthermore, such appointments are need to be made subject to fulfillment of other eligibility criteria regarding age, qualification, character certificate etc. in terms of the Order, 1968.

14. Suffice to say, mere temporary appointment of more than two years itself do not accrue vested right in favour of the candidates so as to seek appointment on the post Police Patil. The appointment to the post of Police Patil is subjected to compliance of all other requirements and eligibility criteria in terms of the Order, 1968.

15. In the present case, at the cost of repetition, again it is necessary to point out that admittedly, none of the Applicants have 13 orders of temporary appointment. This being so, they do not have requisite eligibility criteria.

16. Learned Counsel for the Applicants much emphasized that the Applicants were subjected to discrimination as in some other divisions in Solapur district (Mangalveda), the SDO had issued regular appointments in favour of the candidates who were temporarily appointed for less than two years. In this behalf, he referred to order of appointment of Police Patils dated 02.05.2017 issued by the SDOs, Mangalveda, dist. Solapur. Perusal of the same reveals that the regular appointment orders were issued in favour of the candidates who were working temporarily on the post of Police Patil of various villages. However, as rightly pointed out by the learned C.P.O. in those cases, the concerned candidates were found continuously working on the post of Police Patil by order of Tahsildar till issuance of regular order. As such, in that case the candidates therein were continuously in service till issuance of regular appointment. Whereas in present case, the Applicants ceased to have functioning and their period of temporary appointment is expired long back as set out in the chart. None of them was in service on the date of filing of O.A.

17. Learned Counsel for the Applicants sought to contend that in the matter of regular appointment by SDO, Mangalvedha by order dated 02.05.2017, the candidates therein were shown continued in service in pursuance of the orders issued by Tahasildar who have no authority and, therefore, Respondents cannot deny similar treatment to the Applicants.

18. I find no substance in the submission made by the learned Counsel for the Applicants in this behalf. Even as assuming for moment that Tahasildar had no authority to continue temporary appointment, but the fact remains that the candidates therein were in service till their regular appointment. Apart, if the SDO, Mangalveda had committed any irregularity or error by making regular appointment in violation of rules or law then, the Applicants cannot derive any

benefit from such order. Therefore, the question of discrimination does not survive. If the orders of regular appointment or absorption on the post of Police Patil was made in violation of the Order, 1968 or G.R. dated 26.06.2011, such orders cannot be the foundation to claim regular appointment by the Applicants in their sub divisions as otherwise it would be amounting to perpetuating wrong, which I am afraid cannot be done.

19. At this juncture, it would be apposite to refer the judgment of Hon'ble Supreme Court in **1995 AIR 705 : 1995 SCC (1) 745 (Chandigarh Administration V/s. Jagjit Singh), decided on 10.01.199**, on the point of discrimination which is applicable to the present case. Para Nos.8, 9 and 10 of the judgment are as follows:-

"8. We are of the opinion that the basis or the principle, if it can be called one, on which the writ petition has been allowed by the High Court is unsustainable in law and indefensible in principle. Since we have come across many such instances, we think it necessary to deal with such pleas at a little length. Generally speaking, the mere fact that the respondent authority has passed a particular order in the case of another person similarly situated can never be the ground for issuing a writ in favour of the petitioner on the plea of discrimination. The order in favour of the other person might be legal and valid or it might not be. That has to be investigated first before it can be directed to be followed in the case of the petitioner. If the order in favour of the other person is found to be contrary to law or not warranted in the facts and circumstances of his case, it is obvious that such illegal or unwarranted order cannot be made the basis of issuing a writ compelling the respondent authority to repeat the illegality or to pass another unwarranted order. The extraordinary and discretionary power of the High Court cannot be exercised for such a purpose. Merely because the respondent authority has passed one illegal/unwarranted order, it does not entitle the High Court to compel the authority to repeat that illegality over again and again. The illegal/unwarranted action must be corrected, if it can be done according to law indeed, wherever it is possible, the Court should direct the appropriate authority to correct such wrong orders in accordance with law but even if it cannot be corrected, it is difficult to see how it can be made a basis for its repetition. By refusing to direct the respondent authority to repeat the illegality, the Court is not condoning the earlier illegal act/order nor can such illegal order constitute the basis for a legitimate complaint of discrimination. Giving effect to such pleas would be prejudicial to the interests of law and will do incalculable mischief to public interest. It will be a negation of law and the rule of law. Of course, if in case the order in favour of the other person is found to be a

lawful and justified one it can be followed and a similar relief can be given to the petitioner if it is found that the petitioners' case is similar to the other persons' case. But then why examine another person's case in his absence rather than examining the case of the petitioner who is present before the Court and seeking the relief. Is it not more appropriate and convenient to examine the entitlement of the petitioner before the Court to the relief asked for in the facts and circumstances of his case than to enquire into the correctness of the order made or action taken in another person's case, which other person is not before the case nor is his case. In our considered opinion, such a course –

barring exceptional situations would neither be advisable nor desirable. In other words, the High Court cannot ignore the law and the well-accepted norms governing the writ jurisdiction and say that because in one case a particular order has been passed or a particular action has been taken, the same must be repeated irrespective of the fact whether such an order or action is contrary to law or otherwise. Each case must be decided on its own merits, factual and legal, in accordance with relevant legal principles. The orders and actions of the authorities cannot be equated to the judgments of the Supreme Court and High Courts nor can they be elevated to the level of the precedents, as understood in the judicial world. (What is the position in the case of orders passed by authorities in exercise of their quasi-judicial power, we express no opinion. That can be dealt with when a proper case arises.)

9. *Coming back to the facts of this case, if only the High Court had looked to the facts of this case instead of looking to the facts of some other case, we are sure, it would have dismissed the writ petition in view of the several facts stated hereinbefore. The High Court fell in grave error in allowing the writ petition on the said ground and in importing the theory of discrimination in such a situation. Question of discrimination could have arisen only if two findings were recorded by the High Court, viz., (1) the order in favour of Prakash Rani was a legal and valid one and (2) the case of the writ petitioners was similar in material respects to the case of Prakash Rani but she has not been accorded the same treatment. No such findings have been recorded by the High Court in this case.*

10. *The appeal is accordingly allowed and the judgment under appeal set aside. The respondents shall pay the costs of the appellants, which are assessed at Rs 10,000. SLP (C) No. 15931 of 1994."*

20. Suffice to say, the orders which are not in consonance with law cannot be taken as aid or ground of discrimination and that the submission advanced on the point of discrimination is misconceived and misplaced.

21. There is another angle of the matter. As stated above, the Applicants tenure as temporary Police Patil had come to an end long back. As the post of

village Police Patil of various villages were lying vacant. The respective SDOs by Notifications dated 13.03.2018 and 14.03.2018 have initiated the process for regular appointments of Police Patils by following the provisions of Order, 1968. Admittedly, the process has been completed and the candidates found eligible, were appointed on the post of Police Patil of various villages where the Applicants were appointed temporarily in past. The Applicants have not joined those selected and appointed candidates in the present O.A.s. This being the position, the relief of setting aside the Notifications dated 13.03.2018 and 14.03.2018 can't be granted.

22. True, appointment of those candidates appointed in pursuance of Notifications dated 13.03.2018 and 14.03.2018 seems to have been issued subject to finality of litigation before the Hon'ble High Court and Maharashtra Administrative Tribunal. Be that as it may, the fact remains that the process has already been completed by appointing another candidates in place of the Applicants and this being the position, the Applications in fact have become infructuous.

23. Apart, leaving aside non joining of the selected candidates to these posts on merit also, the Applicants have no case of appointment on the post of Police Patil as they do not comply the requirement of G.R. dated 28.06.2011. None of them has 13 orders of temporary appointments, which is one of the condition precedent for regular appointment subject to other eligible criteria. The Applicants were appointed purely on temporary basis and such candidates have no vested rights much less enforceable in law, so as to seek absorption or appointment on regular basis.

24. The necessary corollary of the aforesaid reason leads me to sum-up that the Original Applications are devoid of merit and deserve to be dismissed. Hence, the following order.

ORDER

All the Original Applications are dismissed with no order as to costs.

Sd/-

(A.P. KURHEKAR)

Member-J

Mumbai

Date : 14.06.2019

Dictation taken by : V. S. Mane