

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
MUMBAI**

**ORIGINAL APPLICATION NO.1229 OF 2022**

**DISTRICT: PUNE  
SUBJECT : REGULARIZATION**

Smt. Mrunal Maheshkumar Thakur )  
[Since before marriage - )  
Ms. Reshma Ramakant Tawade], )  
Aged 42 Yrs, Working as Staff Nurse attached to )  
District Civil Hospital, Sindhudurg Nagari, )  
Tal. Kudal, Dist. Sindhudurg, )  
R/o. At Humarmala, Ranewadi, )  
Tal. Kudal, Dist. Sindhudurg. )... **Applicant**

**Versus**

The Deputy Director, )  
Health Services, Kolhapur Circle, )  
Kolhapur, Having Office at )  
Central Administrative Building, )  
Kasaba Bawada Road, Kolhapur-3. )... **Respondents**

**Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant.**

**Smt. Archana B. Kololgi, learned Presenting Officer for the Respondents.**

**CORAM : M.A. LOVEKAR, VICE-CHAIRMAN.**

**RESERVED ON : 28.01.2025**

**PRONOUNCED ON : 13.02.2025**

**JUDGMENT**

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Archana B.K., learned Presenting Officer for the Respondents.

2. The Applicant joined as Staff Nurse on 09.06.2006 as per order dated 02.06.2006. As per policy decision dated 15.01.2008 the

Applicant opted for absorption in Thane Zone. The Deputy Director, Health Services Thane ordered regularization of services of the bonded nurses, which included the Applicant, on completion of bond period of 2 years subject to the conditions stipulated therein, vide order dated 15.10.2009. The Deputy Director, Kolhapur unilaterally cancelled the said order by order dated 28.07.2015 by misinterpreting the decision of this Tribunal dated 22.09.2014 in O.A. No.624/2009. The State Government framed Recruitment Rules dated 15.04.2015 to absorb bonded Staff Nurses thereby deciding to hold written examination for regularization. Written examination was held on 17.07.2016 which the Applicant cleared. The Deputy Director, Kolhapur regularized services of the Applicant w.e.f. 15.04.2015. The Applicant made representations that her services be regularized w.e.f. 09.06.2006. These representations went unheeded. By order dated 13.06.2022 passed in O.A. No.528/2022 this Tribunal directed the Respondents to consider said grievance of the Applicant. By the impugned order dated 15.07.2022 (Exhibit A) the Deputy Director, Kolhapur rejected the prayer of the Applicant to regularize her services w.e.f. 09.06.2006. Hence, this O.A.

3. Stand of the Respondents is as follows.

Though, annual increments were released, on that basis the Applicant could not claim that her services ought to have been regularized w.e.f. 09.06.2006. The Applicant cleared examination held on 17.07.2016 and as per Recruitment Rules dated 15.04.2015 her services were regularized w.e.f. 15.04.2015. This was consistent with the Judgement dated 22.09.2014 in O.A. No.624/2009.

4. It was submitted by Shri Bandiwadekar, learned Advocate for the Applicant that order dated 07.10.2009 of regularizing her services had created a vested right in her and the same could not have been cancelled unilaterally. There is no merit in this submission. Order dated

07.10.2009 refers to regularization of services on completion of bond period.

5. In Judgment dated 22.09.2014 in O.A. No.624/2009 this Tribunal observed as under:-

“Reference is also made to Supreme Court judgment in A. Umarani Vs. Registrar, Cooperative Societies, Tamil Nadu and other cases. The letter dated 10.9.2003 issued by the Respondent no. 2 is bereft of any legal authority and action cannot be taken on the basis of that letter. We do not find that the Applicants have made out any case, which will justify their claim that they are entitled to be regularized in service. Their initial appointment orders made it very clear that they were appointed as bonded candidates for two years. It is also made clear that if they wanted to continue in service after the bond period was over, they were required to pass in the Entrance test for regular appointment. The Applicants were given such opportunity and they failed. They are relying on two arguments that the Respondents are treating them as regular employees by opening Service Book etc. We do not find any merit in this argument. The other argument is that some bonded candidates were regularized in the past. We find that such regularization, even if done without recourse to Selection Committee is not in accordance with rules. Such precedents would not entitle the Applicants to be given benefit of regularization of their services.

6. As per Recruitment Rules dated 15.04.2015 written examination was held which the Applicant cleared. According to the Applicant, by way of abundant precaution she appeared for this examination though it was not at all necessary to do so since the order of regularization of her services was already passed on 07.10.2009 which could not have been cancelled unilaterally.

In G.R. dated 28.06.2009 Rule 13 of Recruitment Rules of 2015 is reproduced which reads as under:-

“दिनांक १५.०४.२०१५ रोजी अधिसूचित करण्यात आलेल्या सेवा प्रवेश नियमातील नियम १३ मध्ये पुढीलप्रमाणे नमूद करण्यात आले आहे.

“वरीलप्रमाणे काहीही अंतर्भूत असले तरी दिनांक ३१ डिसेंबर, २०११ पर्यंत बंधपत्रानुसार अधिपरिचारीका या पदावर बंधपत्रीत म्हणून शासन सेवेत नियुक्त झालेल्या व सेवा नियमित न झालेल्या अधिपरिचारीकांना त्यांच्या सेवा नियमित होण्यासाठी महाराष्ट्र ज्ञान

महामंडळामार्फत अथवा शासन निश्चित करेल अशा प्राधिकृत संस्थेमार्फत आयोजित केलेली विशेष लेखी परिक्षा उत्तीर्ण होणे आवश्यक राहिल.

१. एका संधीत लेखी परिक्षा उत्तीर्ण न होणाऱ्या बंधपत्रीत अधिपरिचारीकांना लेखी परिक्षेसाठी दुसरी संधी देण्यात येईल.

२. दुसऱ्या संधीत लेखी परिक्षा उत्तीर्ण होऊ शकणार नाहीत त्यांना लेखी परिक्षेला बसण्याचो एक शेवटची संधी देण्यात येईल.

३. उप नियम (ब) मधील तरतूदीनुसार शेवटच्या संधीत लेखी परिक्षा उत्तीर्ण होणार नाहीत त्यांच्या सेवा तात्काळ समाप्त करण्यात येतील. परंतु असे की, विहित संधीत परिक्षा उत्तीर्ण होणाऱ्या बंधपत्रीत अधिपरिचारीकांच्या सेवा हे नियम प्रसिध्द झाल्याच्या दिनांकापासून नियमित समजण्यात येतील.”

7. The Order dated 07.10.2009 of regularization of services of the Applicant on account of completion of bond period was passed by the selection committee. It cannot be said that such order could not have been reviewed subsequently as per Recruitment Rules which were framed later on. This conclusion will be decisive. Thus, there is no merit in the O.A. It is accordingly dismissed with no order as to costs.

**Sd/-**  
**(M.A. Lovekar)**  
**Vice-Chairman**

Place: Mumbai  
Date: 13.02.2025  
Dictation taken by: N.M. Naik.

Uploaded on: \_\_\_\_\_