

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5395 OF 2022
WITH
INTERIM APPLICATION NO. 9909 OF 2022**

Manisha Santosh Gaikwad and Ors. .. Petitioners

v/s.

Kalyan Dombivali Municipal
Corporation thr. Its Municipal
Commissioner and Ors. .. Respondents

**WITH
WRIT PETITION NO. 8812 OF 2022
WITH
INTERIM APPLICATION NO. 9883 OF 2022**

Sagar Ramchandra Pawar and Ors. .. Petitioners

v/s.

Kalyan Dombivali Municipal
Corporation thr. Its Municipal
Commissioner and Ors. .. Respondents

**WITH
WRIT PETITION NO. 9428 OF 2022
WITH
INTERIM APPLICATION NO. 3634 OF 2022**

Ganesh Bhagwan Palve and Ors. .. Petitioners

v/s.

Kalyan Dombivali Municipal
Corporation thr. Its Municipal
Commissioner and Ors. .. Respondents

**WITH
WRIT PETITION NO. 2052 OF 2023**

Pradip D. Pagar and Ors.

.. Petitioners

v/s.

Kalyan Dombivali Municipal
Corporation thr. Its Municipal
Commissioner and Ors.

.. Respondents

**WITH
WRIT PETITION NO. 1669 OF 2023
WITH
INTERIM APPLICATION NO. 9909 OF 2022**

Dr. Shital Chandrakant Patil and Ors.

.. Petitioners

v/s.

Kalyan Dombivali Municipal
Corporation thr. Its Municipal
Commissioner and Ors.

.. Respondents

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Mr. Kishor Patil a/w. Mr. Jagdish G. Aradwad (Reddy), Advocate
for the Petitioner in WP-5395-2022 and WP-8812-2022.

Mr. A.S. Rao, Advocate for Respondents no.1 to 4.

Mr. Dushyant Pagare for Petitioner in WP-9428-2022.

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**CORAM : NITIN JAMDAR, &
SANDEEP V. MARNE, JJ.**

Dated : 9 August 2023.

P.C. :

1. Heard learned counsel for the parties.
2. Petitioners have relied upon the decision of the Hon'ble Supreme Court in the case of **Manish Gupta V/s.**

President, Jan Bhagidari Samiti and Ors.¹ Based on this decision, learned counsel for the Petitioners contends that the principle that an ad-hoc employee is not to be replaced by another ad-hoc employee can be extended even in the present case where Petitioners were appointed on contract basis after following public participation and selection process. In the decision of *Manish Gupta* (supra), the Hon'ble Supreme Court did not interfere with the order passed by the High Court directing continuation of such employees till regular selection is made. Therefore, we would require stand of the Respondent-corporation to be placed before us on Affidavit as to the course of action the Municipal Corporation intends to take i.e. whether appointment on regular basis or further appointments on contract basis and for how many posts as regard the subject matter of the petition is concerned. Once the stand is placed on record, the contention of the Petitioners can be considered. The learned Counsel for the Respondent-Corporation states that this additional affidavit will be filed by 31 August 2023.

3. Place the petition on board on **7 September 2023**.
4. Ad-interim order shall continue to operate till then.

SANDEEP V. MARNE, J.

NITIN JAMDAR, J.