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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

932 WRIT PETITION NO. 2868 OF 2026

Sushil Shriprakashsinh Kakan

VERSUS

The Registrar Maharashtra Animal And Fishery And Others

AND

933 WRIT PETITION NO. 2883 OF 2026

Parmeshwar Mahadev Surshette

VERSUS

The State Of Maharashtra Through Its Secretary And Others

AND

947 WRIT PETITION NO. 3416 OF 2026

Shakuntala Vikram Pophale

VERSUS

The State Of Maharashtra Through The Secretary And Ors

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Mr. Balaji B. Yenge, Advocate for the Petitioners in WP/2868/2026 and WP/2883/2026

Mr. N.P. Patil Jamalpurkar, Advocate for Petitioner in WP/3416/2026

Mr. K.P. Rodge, Advocate h/f Mr. P.G. Rodge, Advocate for Respondents No.2 and 3 in WP/2868/2026 and WP/2883/2026 and for Respondents No.2, 3 and 4 in WP/3416/2026

Mr. V.M. Kagne, Mr. S.B. Narwade and Mr. Abhijit M. Phule, AGPs for Respondents No.1-State in respective WPs

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**CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.**

DATE : 01 APRIL, 2026

PER COURT :-

1. Since the issue involved in these three matters is the same, we have heard the learned advocate appearing for the petitioner.

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2. Learned advocate for the petitioners submits that the petitioners in WP/2868/2025 and WP/2883/2026 are working with respondent No.3, and the petitioner in WP/3416/2026 is working with respondent No.4, which are colleges under the Maharashtra Animal and Fishery Sciences University, since 2011 on the given posts. According to the petitioners, their recruitment was initially on a contract basis, and the documents on record show that the said contract has been continued from time to time almost without interruption. Learned advocates appearing for the petitioners, relying upon ***Bhola Nath v. The State of Jharkhand & Ors.*** [Civil Appeal No.__ of 2026 (arising out of SLP (Civil) No.30762 OF 2024)] decided by the Hon'ble Supreme Court on 19.08.2025, ***Jaggo v. Union of India & Ors*** [Civil Appeal No.__ of 2024 (arising out of SLP © No.5580 of 2024)] decided by the Hon'ble Supreme Court on 20.12.2024, ***Pradip Ramesh Shinde v. Malegaon Municipal Corporation***, reported in Laws (BOM)-2025-9-37 and ***Dr. A.T. Sherekar and Anr. v. Karpan Waity and Ors.*** [Writ Petition No.4612 of 2006 with companion matters] decided by the Hon'ble Single Bench of this Court at the Principal Seat on 27.02.2025, submit that the petitioners are entitled to regularization and are raising an objection to the advertisement issued by the respondent-University for 175 posts in Group B, C and D in the non-teaching staff. According to the petitioners, the said advertisement is against the pronouncements in the aforesaid decision and, therefore, deserves to be stayed to the extent of the petitioners.

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3. Learned AGP waives service of notice for respondent No. 1.
4. Learned advocate Mr. K.P. Rodge holding for learned advocate Mr. P.G. Rodge waives service of notice for respondents No.2 and 3 in WP/2868/2026 and WP/2883/2026, and waives service of notice for respondents No.2, 3 and 4 in WP/3416/2026. In two matters, he places on record the affidavit-in-reply of Rishikesh Jairam Kamble, Registrar in the College of Veterinary and Animal Science, Parbhani, Tq. and Dist. Parbhani, for and on behalf of respondents No.2 and 3. According to the respondents, they accept the fact that the petitioners have been serving at their respective places since 2011; however, in view of the decision of the Hon'ble Supreme Court of India, since 2019 there has been discontinuation of issuance of orders for continuation of the contract. However, outsourcing was allowed by the State Government, and therefore the services have been taken through a contractor after following the Government Resolution dated 04.02.2019 and the subsequent Resolutions. According to the learned advocate for respondents No.2 and 3, the advertisement that has now been issued is to the extent of 50% of the vacancies available in the colleges under the University throughout Maharashtra, and since the services of the petitioners on contract were not continued after 2019, they are not entitled to regularization.
5. Here, the fact required to be borne in mind is that the respondent-University came into existence in 2001. As regards the recruitment of staff,

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what appears to have been undertaken in the past is that the appointments were made on a contract basis. The fact that is then required to be considered is whether the petitioners' services or contracts came to be extended and whether the same fulfills the criteria laid down in the various decisions of the Hon'ble Supreme Court of India on that point. In fact, an affidavit of the appropriate authority is required, i.e., the Dean of the college at Udgir and not the Registrar of the college at Parbhani. If the petitioners fulfill the criteria, then only would they be entitled, and therefore, we require an affidavit of the Associate Dean of the College of Dairy Technology and Fishery Sciences at Udgir to be filed within a period of three (3) weeks from today. A copy of the same be given to the other side in advance.

6. As regards the advertisement is concerned, the respondent-University may go ahead with the said advertisement to the extent of leaving out the posts which are held by the present petitioners.

7. Place the matter for further consideration on 07.05.2026.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE