

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 624/2023
CNR: RJHC020579372023 | URN: SAW / 1232U / 2023

Dr. Madhusudan Shrimali Son Of Shri Nand Kishore Shrimali,
Aged About 45 Years, Resident Of Village And Post Unwas, Tehsil
Nathdwara, District Rajsamand.

----Appellant

Versus

1. The State Of Rajasthan, Through Principal Secretary,
Department Of Higher Education.
2. The Commissioner, College Education, Dr. Radha Kishan
Shiksha Sankul, J.I.n. Marg, Jaipur.
3. Principal, Government College, Bheem District Rajsamand
4. Principal, Government Girls College, Udaipur.

----Respondents

For Appellant(s)	:	Mr. Sachin Mehta.
For Respondent(s)	:	None.

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE SANDEEP TANEJA

Order

05/08/2026

1. This appeal has been filed on behalf of the appellant against
the order dated 09.05.2023 passed by the learned Single Judge
whereby the writ petition filed on behalf of the petitioner was
dismissed.
2. Counsel for the appellant submits that learned Single Judge
has considered the fact that the petitioner was working on
contract basis, a duly selected candidate from the RPSC, and his
service has been dispensed with.

3. We have perused the judgment passed by the learned Single Judge and it observes as under:

"4. Heard and considered the submissions made at the bar and perused the material available on the record.

5. This fact is not in dispute that the petitioner was appointed purely on contract basis for a particular term i.e. w.e.f. 24.07.2008 till 28.02.2009 or till availability of duly selected candidate from the Rajasthan Public Service Commission (for short the 'RPSC'). It appears that the respondents did not get the regularly selected candidates from the 'RPSC', hence the services of the petitioner were allowed to be continued. Thereafter, the respondents the regularly selected candidate was made available, who was appointed at the place where the petitioner was posted, hence services of the petitioner were terminated by the respondents. At this juncture, the petitioner approached this Court by way of filing the writ petition No. 3073/2010 and the same was dismissed by the Co-ordinate Bench of this Court vide order dated 29.03.2010 by passing the following order:-

"Petitioner Dr. Madhusudan Shrimali has filed this writ petition challenging order dated 01.01.2010 by which his services were discontinued on Shri B.L. Koli, Lecturer in Geography, having joined with respondents on transfer at the place of petitioner's working. Petitioner's services were earlier sought to be discontinued when he filed a petition being S.B. Civil Writ Petition No.2524/2009; that writ petition was decided by judgment dated 22.05.2009, wherein respondents were directed to consider petitioner's case on priority basis for academic session 2009-2010. It was left to their discretion to engage petitioner and other similarly situated persons, if they decided to do so, in next academic session. So the contention of learned counsel for petitioner is that his appointment would continue till availability of duly selected candidates or availability of lecturer on deputation, and respondents cannot

discontinue petitioner's services by transferring another Lecturer from a different government college. I am afraid such a contention cannot be countenanced because petitioner's appointment was on contractual basis and respondents have transferred a substantively appointed lecturer in his place and petitioner will have to make a room for him. Petitioner did not possess the post after duly selection on regular or substantive basis; he was merely engaged on contract purely on temporary basis. I therefore do not find any merit in this writ petition and the same is dismissed. At this stage, learned counsel for petitioner submitted that appointment of petitioner was otherwise to subsist till 30th April, 2010 and that he may be given a liberty to make representation to respondent if still some other post is vacant with them. It goes without saying that he may do so."

5.1. However, a liberty was given to the petitioner at his request to file a representation before the Authorities. On the basis of the aforesaid order dated 29.03.2010, the petitioner submitted a representation before the authorities and the same was considered and a direction was issued by the Commissioner, College Education, Rajasthan, Jaipur to the Principal, Meera Girls College, Udaipur to engage the petitioner again on contract basis for a period of six months or till 30.04.2011 after taking a contract from the petitioner subject to certain terms and conditions.

6. Since the petitioner was not in possession of the requisite qualification as prescribed in the order dated 20.10.2010, hence he was not given contractual appointment again.

7. It is the settled proposition of law that a contractual employee has no right to continue in service after expiry of the term of his contract. Perusal of the appointment order of the petitioner clearly indicates that the petitioners' services were taken on contract basis of a particular term i.e. till 28.02.2009. Since the respondents have not received regularly selected candidates from the 'RPSC', hence his services were allowed to continue till his

services were dispensed with after receipt of regularly selected candidates. Now no post of College Lecturer in Geography Subject is lying vacant at Government College, Bheem.

8. Hon'ble Apex Court in the case of Vidyavardhaka Sangha & Anr. Vs. Y.D. Deshpande & Ors. reported in (2006) 12 SCC 482 had held in para 4 as under:-

"4. It is now well-settled principle of law that the appointment made on probation/ad hoc basis for a specific period of time comes to an end by efflux of time and the person holding such post can have no right to continue on the post. In the instant case as noticed above, the respective respondents have accepted the appointment including the terms and conditions stipulated in the appointment orders and joined the posts in question and continued on the said post for some years. The respondents having accepted the terms and conditions stipulated in the appointment order and allowed the period for which they were appointed to have been elapsed by efflux of time, they are not now permitted to turn their back and say that their appointments could not be terminated on the basis of their appointment letters nor they could be treated as temporary employee or on contract basis. The submission made by the learned counsel for the respondents to the said effect has no merit and is, therefore, liable to be rejected. It is also well- settled law by several other decisions of this Court that appointment on ad hoc basis/temporary basis comes to an end by efflux of time and persons holding such post have no right to continue on the post and ask for regularisation etc."

9. Similarly in the case of State of Uttar Pradesh and Another Vs. Ram Adhar reported in (2008) 12 SCC 136, the Hon'ble Supreme Court has held in para 5 as under:-

"5. It may be mentioned that there is no principle of law that a person appointed in a temporary capacity has a right to continue till a regular selection. Rather, the legal position is just the reverse, that is, that a temporary employee has no right to the post vide State of U.P. v. Kaushal

Kishore, (1991) 1 SCC 691. Hence, he has no right to continue even for a day as of right, far from having a right to continue till a regular appointment."

10. In view of the above factual aspect of the matter and looking at the series of judgments of the Hon'ble Apex Court, the petitioner is not entitled to get any relief and the instant petition is found to be devoid of merit and accordingly this petition stands dismissed.

11. Stay application and all applications (pending, if any) also stand dismissed accordingly."

4. We are in complete agreement with the view taken by the learned Single Judge. We are also of the view that the appellant was appointed on ad hoc basis and his services were discontinued after regularly selected candidate was made available who was appointed at the place where the appellant was posted.

5. In that view of the matter, no case is made out for interference and this appeal stands dismissed.

(SANDEEP TANEJA),J

(INDERJEET SINGH),J