

IN THE HIGH COURT OF JUDICATURE FOR MADHYA PRADESH

AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE RAVI MALIMATH,

CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE PURUSHAINDRA KUMAR KAURAV

ON THE 03rd OF FEBRUARY, 2022

WRIT APPEAL No. 1212 of 2021

Between:-

**RAJANI BHARTI D/O SHRI RAMESH
BHARTI, AGED ABOUT 40 YEARS, R/O A-
9/25, M.I.G. MAHANANDA NAGAR,
UJJAIN (M.P.)**

.....APPELLANT

(BY SHRI RAJANI BHARTI, PRESENT IN PERSON)

AND

- 1. MAULANA AZAD NATIONAL INSTITUTE OF
TECHNOLOGY (MANIT) THROUGH ITS
DIRECTOR, BHOPAL (MADHYA PRADESH)**
- 2. ASSISTANT REGISTRAR, MAULANA AZAD
NATIONAL INSTITUTE OF TECHNOLOGY,
BHOPAL (MADHYA PRADESH)**

....RESPONDENTS

***(SHRI YOGESH BHATNAGAR, ADVOCATE WITH SHRI
VIVEK BADERIYA, ADVOCATE FOR RESPONDENTS NO.1
AND 2)***

- (Heard through Video Conferencing)

This appeal coming on for orders this day, Hon'ble Shri Justice Purushaindra Kumar Kaurav, passed the following:

ORDER

This *intra* Court appeal takes exception to order dated 03.12.2021, passed by the learned Single Judge in Writ Petition No. 10619 of 2020, whereby, petition filed by the appellant has been dismissed.

2. The appellant, being aggrieved by order dated 29.5.2020, has filed petition under Article 226 of Constitution. By said order the appointment of all temporary faculties are brought to an end on 29.05.2020, upon completion of the semester, therefore, the concerned HOD was to relieve them including to the appellant. Her case before the learned Single Judge was that despite the directions to the HOD's to relieve temporary faculty, the appellant was not relieved and vide Circular dated 07.04.2020, revised academic calendar was published, therefore, the semester continued and the appellant is entitled to serve atleast upto 04.07.2020.

3. The respondents before the learned Single Judge have submitted that on the basis of walk-in-interview, the appellant was appointed as a temporary faculty on consolidated salary. Since appointment was for a fixed term, therefore, the appellant does not have any right to continue. According to the respondents, new appointments have taken place and regular faculties are working. Therefore, they are no more in need of temporary faculties.

4. The learned Single Judge has relied upon the decisions of the Hon'ble Supreme Court in the case of *Vidyavardhaka Sangha &*

*Another versus Y.D.Deshpande*¹, *Grideo Limited & Another versus Sri Sadananda Doloi & Others*² and *Reji Kumar & Others versus Director of Health Services, Kerala & Others*³ and decision of the Division Bench of this Court in the case of *Akram Jafri and others versus State of Madhya Pradesh*⁴, has held that the appointment made on *ad hoc* basis for specific period of time comes to a end by the efflux of the time and the person holding such post has no right to continue on the said post.

5. We have considered the order of appointment of the appellant dated 9.08.2019. The appointment order clearly records that the appointment of the appellant as Assistant Professor (Temporary) in the Department of Chemical Engineering for odd semester commencing on 17th July, 2019, on the consolidated monthly salary of Rs.40,000/- would come to an end automatically on expiration of odd semester unless the same is extended further. The order of extension dated 30.12.2019, also records that the extension is granted only for one more semester w.e.f. 01.01.2020 to 31.05.2020 and the original terms and conditions of the order dated 09.08.2019 were not altered.

6. There is no document to show that at any point of time, the respondents have further extended the temporary appointment of the appellant beyond 30.05.2020.

7. It is settled legal position that the contractual appointee is bound by the terms of his or her appointment order, neither any regularization of the services nor any extension can be claimed as a matter of right. The contractual appointee cannot stretch his or her claim beyond the

1 (2006) 12 SCC 482.

2 (2011) 15 SCC 16.

3 (2009) 16 SCC 385.

4 W.P.No.16560 of 2020 decided on 05.04.2020.

terms of the appointment and hence, no *mandamus* can be issued to continue with such an employment.

8. For the aforesaid reasons, we are not inclined to interfere and accordingly, the appeal is dismissed.

(RAVI MALIMATH)
CHIEF JUSTICE

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

Nitesh