IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2652 OF 2024

1. Ansari Safeer Ahmed Musheer A.
Age 32 years, SEASONAL CLERK
Residing At:R.N.9, Pandrowala Mahal
Mo.10, Sankli St Mumbai-08.

2. Shaikh Wasim Ahmed Shakil Ahmed K.
Age 34 years, SEASONAL CLERK
Residing At: R.No.1205 Sadbhauna CO.H.S
A wing, Kurla West.

3. Bhoira Abdul MuhayminAashid A.
Age 30 Years, SEASONAL CLERK
Residing At: 5th flr Husaini Manzil,
282 Sheikh Memon Street.
Mumbai.

4. Shaikh Mohammed Shafi Shabbir A.
Age 38 Years, SEASONAL CLERK
Residing At: 28/30 Kambekar St.
R.No36 Mumbai-09.

5. Shaikh Tajuddin Sadruddin.
Age 37 Years, SEASONAL CLERK
Residing At: R.n 16, Motiwala Chwal
Grand Road.

6. Khan Ghaus Mohammad Peer Md.
Age 33 Years, SEASONAL CLERK
Residing At: R.n 5 stFlrA.k Haji Gani Chawl Kurla (W),

7. Sayyed Firoz Karim
Age 32 Years, SEASONAL CLERK
Residing At: Post Pophali Sayyed Wadi
N01, Ratnagiri – 01.

8. Abubakar Izharul Haque
Age 31 Years, SEASONAL CLERK
Residing At: R N.150, Agaswadi, Cross Rd,
Dharavi, Mumbai-17

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9. Shaikh Aamir Mohammed Rafiuddin
Age 31 Years, SEASONAL CLERK
Residing At: R/N.2/35 Narsobawadi,
ShantaramTalavMalad (E). Mumbai

10. Mathda Arfaat Abubakar
Age 32 Years, SEASONAL CLERK
Residing At: 101/B Wing Arfat Mahal
Tanwar comp Mumbra.

11. Mullaji Ansar Abdul Qadir.
Age 29 Years, SEASONAL CLERK
Residing At: Sakhrolimohalla,
khed3ldg.33ri 415709.

12. Siddiqui Adnan Ahmed Niyaz Ahmed
Age 32 Years, SEASONAL CLERK
Residing At: B/Block R.No.11
Ghodapdov New Masjid Mazagaon.

13. SHAIKH AWSAF AHMED Akhlaque A.
Age 34 Years, SEASONAL CLERK
Residing At: 304/B Wing Arfat Mahal
Tanwar comp Mumbra. Thane.

14. Maniyar Mohamed Asim Mushtaque.
Age 31 Years, SEASONAL CLERK
Residing At: 42, Islampura Street
1stflrRoom.no 24 Girgaum,
Mumbai 400004

15. Tokre Naeem Salim
Age 33 Years, SEASONAL CLERK
Residing At: 3/B R.n 202, Sarvodaya Park Kalyan.

16. Shaikh Zamaluddin Md. Junad Alam
Age 31 Years, SEASONAL CLERK
Residing At: Rahikan Village Post-
Choramahrail Bihar-04.

17. Katote Mohammed Shareeque Mohammed Asif
Age 28 Years, SEASONAL CLERK
Residing At: 1 Khatijabai Mansion N.L Road,
Bandra W-50.

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18. Kazi Imran Kaimuddin
Age 29 Years, SEASONAL CLERK
Residing At: 401 Avenue M Global City Virar West.

19. Shaikh Munawwar Anwar
Age 31 Years, SEASONAL CLERK
Residing At: 56/58 Islampura Street
Ghaswala tower Mumbai 400 004.

20. Nizamuddin Baqar Ali
Age 35 Years, SEASONAL CLERK
Residing At R.No.18, Yusuf Mehtab Bldg,
Kurla East.) Mumbai

21. Mohammed Shoeb Shaikh
Age 29 Years, SEASONAL CLERK
Residing At: 2/202, SangeetaApt, Santosh Nagar.

22. Katote Mohammed Ehtesham Mohd Arif
Age 37 Years, SEASONAL PEON
Residing At: 3. Khatijabai Mansion N.L Road,
Bandra W-50.

23. MirdhaAbdul Hoque Fazlul Hoque.
Age 31 Years, SEASONAL PEON
Residing At: R,N.10, Ahmed Manzil Vangani E.

24. Dabre Mohammed Umair Shahid.
Age 33 Years, SEASONAL PEON
Residing At: H.N 374, Waza Mohalla Nalasopara W.

25. Md AabulHasnat Md Nurejaman.
Age 33 Years, SEASONAL PEON
Residing At: R,N.10, Ahmed Manzil Vangani E.

26. Mohd. Aamir Iftekhar Ahmad
Age 25 Years, SEASONAL PEON
Residing At:P-22, H line R.NO 02 Shivaji Nagar Govandi

27. Kulye Pranit Shripat
Age 28 Years, SEASONAL SWEEPER
Residing At:R.No.302,Old Panvel Karan Jade Ravi Building

28. Shirke Yogesh Sanjay
Age 28 Years, SEASONAL SWEEPER
Residing At: Old Dombivali West Shastry Nagar

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29. Mulla Razin Amjad
Age 28 Years, SEASONAL SWEEPER
Residing At:37/A Bhatiya Ratnagiri

30. Bhuwad Sandesh Ramchandra
Age 28 Years, SEASONAL SWEEPER
Residing At:B-1 Akshay Niwas Virar East.

31. Sayyed Sajid Ali Sabir Ali
Age 31 Years, SEASONAL SWEEPER
Residing At:R.No. 72, Apna Chawl,
Megraj Shetty Bycula (W).

32. Dongari Asif Zubair
Age 25 Years, SEASONAL SWEEPER
Residing At: R.no.501, Mariyam Apt, Kausa Mumbra.

33. Burate Ravindra Shripat
Age 34 Years, SEASONAL SWEEPER
Residing At:Rajesh Apt R.No.43 Shastry Nagar Dombivali West.

34. Khan Majid Mohammad Kasimuddin
Age 35 Years, SEASONAL SWEEPER
Residing At:R.N 301 Wonder Comp E wing Bhiwandi.

35. NaralkarUddit Anant
Age 33 Years, SEASONAL SWEEPER
Residing At:R.N 542 Mukti Nagar Ghatla Chembur.

36. Patel Mohd Hussain Abdul Aziz.
Age 26 Years, SEASONAL SWEEPER
Residing At: R.No.34, Apna Chawl, Megraj Shetty.

37. Tasleem Mohammed Saleem.
Age 21 Years, SEASONAL SWEEPER
Residing At:R.No.202 Royal Apt 2 Taki Pada Nalasopara.

38. Shakil Abdullah Parkar
Age 50 Years, SEASONAL SWEEPER
Residing At: SabooSiddik Road R.No. 7, Dilkhush Bldg.,
Saboo Siddik Road ...Petitioners

Versus

1. The Union of India
through the Secretary

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Ministry of Minority Affairs,
(HAJ Division), 6th floor, M.T.N.L.
Bldg., CGO Complex,
New Delhi 110 003.

2. Haj Committee of India,
Established under Haj Committee,
through Chief Executive Officer, Act 2002,
HAJ House, 7A, M.R.A. Marg
Palton Road Mumbai 400 001 ...Respondents

Mr Vicky Nagrani, for Petitioners.

Mr Mahesh Shukla, with Niraj Tripathi and Siddhikesh Shinde, for Respondents.

CORAM: G. S. KULKARNI &
DR. NEELA GOKHALE, JJ.

RESERVED ON : 29th SEPTEMBER 2026
PRONOUNCED ON: 14th OCTOBER 2026

JUDGMENT: (Per Dr Neela Gokhale, J.)

1. This Writ Petition is filed under Article 226 of the Constitution of India by 38 Petitioners, who claim to have been working as Seasonal Clerks (Petitioner No. 1 to 21), Seasonal Peons (Petitioner Nos. 22 to 26) and Seasonal Sweepers (Petitioner No. 27 to 38) with the Respondents. All the Petitioners seek to quash and set aside the order dated 25th November 2023, passed by Respondent No. 2, terminating the Petitioners' services with effect from the said date.

2. Respondent No. 1 is the Union of India, through the Secretary, Ministry of Minority Affairs (Haj Division), and Respondent No. 2 is the Haj Committee of India, established under the Haj Committee Act, 2002, through its Chief Executive Officer.

3. The Petitioners contend that, considering that the work pertaining to

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making arrangements to assist Indian Pilgrims to perform their Haj Pilgrimage to Saudi Arabia has increased manifold, the requirement of employing additional labor has also increased. The Petitioners claim to have worked in their respective posts as aforesaid as seasonal employees since 2009. The work entails working on computers, passport assistance and other such incidental services.

4. According to the Petitioners, Respondent No. 2, by its letter dated 25th November 2023, suddenly terminated the Petitioners' services without assigning any reason. The Petitioners believed this was a technical break, as usual, and that they would be re-engaged in due course. However, even after three months, their services were not resumed. Aggrieved by their termination, the Petitioners have approached this Court for the reliefs prayed for.

5. Mr Vicky Nagrani, learned Counsel, appeared for the Petitioners and Mr Manish Shukla, learned Counsel, represented the State. No one appeared for the Respondent, the Union of India.

6. Mr Nagrani submitted that the impugned order is arbitrary and illegal. The Petitioners were not given any opportunity to be heard; thus, there is a violation of the principles of natural justice.

7. The Petitioners state that, with the increased number of embarkation points, the management of Haj affairs has been diversified and representation from throughout the country has been included in the Haj Committee for making the necessary arrangements and assisting Indian pilgrims to perform the Haj pilgrimage to Saudi Arabia. On this basis, they have pleaded that the Respondents are amenable to the writ jurisdiction of this Court.

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8. It is further the case of the Petitioners that the work pertaining to Haj arrangements has increased to a great extent in the recent past, particularly after Covid-19; that Respondent No. 1 is required to provide various services and facilities to Haj pilgrims and, for that purpose, to employ additional labor; and that the work is of a regular and perennial nature. The duties performed by the staff concerned include handling and processing online and manual submissions of Haj applications, obtaining MOFA, and handling Haj charter operations from various embarkation points. According to the Petitioners, this work requires permanent labour and is continuous and permanent, not seasonal, although they are designated as seasonal employees. They further state that the work they carry out is identical to that performed by permanent employees of the same category, that there is nevertheless a disparity in wages, and that the qualifications required for the posts held by permanent employees are satisfied even by the Petitioners.

9. Learned counsel for the Respondents submits that the Petitioners were engaged or re-engaged by the Haj Committee of India (HCoI) only as seasonal clerks, peons and sweepers for works of a seasonal nature, required mainly during the Haj period, and not for works of a regular or permanent nature. It is submitted that the terms and conditions of service of HCoI employees are governed by rules notified under Section 44(2)(vi) read with Section 16(5) of the Haj Committee Act, 2002 and Rule 16 of the Haj Committee Rules, 2002, and that regular recruitment is made only as per the Recruitment Rules. The Petitioners' engagement was not made by following the due procedure prescribed for regular or permanent recruitment, and the Petitioners were clearly informed at the time of

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engagement that it was purely seasonal and conferred no right to continuance. Their contracts came to an end by efflux of time, and having accepted the nature of the engagement with full awareness, they are estopped from contending against the discontinuation vide order dated 25.11.2023. It is denied that the work done by them is identical or similar to that of regular employees, and it is submitted that the discontinuation is not illegal, as HCoI no longer needs these services.

10. It is further submitted that the Petitioners' principal prayer, that they are being replaced by another set of contractual employees, is misplaced, since the sixteen contractual posts advertised (including one Peon and two Sweepers) are for the HCoI branch office at New Delhi and not the Mumbai office, and are for different posts such as Chartered Accountant, Private Secretary, Media Consultant, IT & E-Office Expert, Protocol Assistant, Grievance Redressal Consultant, Accountant, Computer Operator and Passport Assistant. As regards Shri Farhan Asif Siddiqui, whose services were continued w.e.f. 15.12.2023 vide order dated 02.02.2024, it is submitted that this was on the Ministry's recommendation, owing to his specific work of processing Visa papers in the Haj Division and the team being built at the New Delhi office for pilgrims from North Indian states, and that the extension is only temporary and based on the merit of the requirement. Reliance is placed on Teri Oat Estates (P) Ltd. v. U.T., Chandigarh (2004) 2 SCC 130, to submit that sympathy or sentiment cannot be a ground for relief where no legal right is established. Accordingly, it is prayed that the Writ Petition be dismissed with costs.

11. We have heard Counsel representing the respective parties and have perused

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the documents with their assistance. We have also perused the interim order dated 18th November 2024 passed by the Co-ordinate Bench of this Court. This Court had protected the Petitioners during the pendency of the present petition by directing that if the Haj Committee had not decided on engaging seasonal employees and keeping in view that several such employees were in continuous employment, the Haj Committee shall consider these Petitioners for employment instead of engaging new seasonal employees. The relevant portion of the order reads thus:

> "5. We have perused the detailed affidavit in reply filed by Respondent No.1 Union of India and Respondent No.2 Haj Committee of India. Besides taking us through the scheme of the appointment of seasonal employees, it is informed that though the Committee can resort to the regular process of selection and appointment as is applicable to recruitment in public employment, the Haj Committee is engaging such seasonal employees on regular basis. Their seniority, depending upon the number of seasons they have worked, has been maintained. After these Petitioners were disengaged, no other seasonal employee has been engaged on contractual basis.
>
> 6. At this interim stage, we are considering the aspect of balance of convenience, irreparable loss and grave hardships. While considering the first aspect, it is settled that an ad-hoc employee cannot be replaced by an ad-hoc employee. When these Petitioners have been working for years together in various seasons in the past decade or more, the balance of convenience would lie in their favour.
>
> 7. Considering the second aspect of manifest inconvenience, we find that, if the Haj Committee desires to engage fresh hands as seasonal temporary employees, keeping these Petitioners out of the seasonal employment, it would surely cause manifest inconvenience and grave hardship to them since they would be rendered to starvation.
>
> 8. If the Haj Committee has still not decided on engaging seasonal employees and when these Petitioners have been working for more than a decade and keeping in view that several such seasonal employees are continuously in employment in view of the order of this Court dated 25th November, 2019 passed in Writ Petition No.191 of 2021, we would be justified in directing the Respondents that if they desire to engage seasonal employees, they would consider these Petitioners depending upon their seniority as seasonal employees. We would also be justified in directing the Haj Committee not to engage fresh hands in place of these Petitioners considering the facts recorded hereinabove. Hence, it is ordered accordingly."

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12. There was also a contempt petition filed on behalf of the Petitioners alleging that the Committee had issued a notification inviting applications for engaging fresh hands in contravention of the interim order dated 18th November 2024. Notice was issued to the Respondent, and on appearance, Dr Sadakat Ali, Deputy CEO of the Haj Committee, personally present in Court, tendered an unconditional apology on behalf of the CEO of the Committee. He assured, on behalf of the Respondent, that it would strictly adhere to this Court's orders henceforth. Accepting the unconditional apology and recording the same, this Court disposed of the contempt petition.

13. Before delving into the merits of the matter, it is necessary to reproduce the relevant Haj Committee Act and Rules made thereunder by virtue of which the Petitioners claim to be vested with a legal right to regularisation of their services of seasonal nature. The relevant Sections are as under:

> "**16. Chief Executive Officer and other employees.**—(1) The Central Government shall appoint a person, from a panel of Muslim officers of the Central Government and of the State Governments not below the rank of Deputy Secretary to the Government of India, to be the Chief Executive Officer of the Committee on such terms and conditions as may be prescribed.
>
> (2) The Chief Executive Officer shall be the ex officio Secretary of the Committee.
>
> (3) The Chief Executive Officer shall be appointed for a period of three years, which may be extended by a maximum period of one year by the Central Government.
>
> (4) The Chief Executive Officer shall execute the decisions of the Committee and perform such other functions as may be prescribed: Provided that in case of any difference of opinion between the Chief Executive Officer and the Committee, he shall bring the matter to the notice of the Central Government, whose decision thereon shall be final.
>
> (5) The Committee may, with the previous sanction of the Central Government, employ such other officers and employees as it deems necessary to carry out the purposes of this Act, on such terms and conditions as may be prescribed."

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"**44. Power to make rules.**—(1) The Central Government may, by notification, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(i) the manner of election of members of the Committee under clause

(ii) of section 4;

(ii) the terms and conditions of the Chairperson and members under sub-section (2) of section 6;

(iii) the powers and duties of the Chairperson under sub-section (3) of section 7;

(iv) the manner in which the members may be re-nominated under the proviso to sub-section (2) of section 8;

(v) duties in connection with Haj under clause (ix) of sub-section (1) of section 9;

(vi) the functions of the Chief Executive Officer and the terms and conditions of service of the Chief Executive Officer and other employees of the Committee under section 16;

(vii) the number of members of a Joint State Committee or of a Committee for Union territory under the proviso to clause (vi) of sub-section (1) of section 18;

(viii) the manner in which the accounts shall be maintained by the Committee and the State Committees and the audit of such accounts under section 34;

(ix) issue of Haj Pilgrim Pass under sub-section (1) of section 35;

(x) amendment of the Schedule relating to the zones comprising contiguous States or Union territories under section 41;

(xi) any other matter which may be prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions , and if, before the expiry of the session in which it is so laid, or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

14. Rule 16 reads thus:

16. (1) Subject to the provisions of sub- section (3) of section 16, the Chief Executive Officer and other officers and employees of the Committee shall ordinarily be appointed on temporary basis.

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(2) With effect from such date, as the Central Government may appoint, the posts of officers and other employees of the Committee may be made permanent and thereupon the Central Government may appoint the officers and other employees already working for the Committee against such posts.
(3) (a) The services of the Chief Executive Officer and other officers and employees appointed on deputation to the Committee shall be terminable at any time by giving a notice on either side in accordance with the rules governing such appointment on deputation.
(b) The services of officers and employees of the Committee, other than those referred to in clause (a) shall be terminable at any time by giving a notice on either side in accordance with the rules governing appointment of such officers and employees;
Provided that a notice under this clause shall be given by the Committee with the prior approval of the Central Government.
(4) The Chief Executive Officer and other officers and employees of the Committee shall receive such pay, allowances and other emoluments as may be fixed, from time to time, by the Committee with the prior approval of the Central Government.
(5) (a) The Chairperson may grant leave, other than casual leave, to the Chief Executive Officer and other officers and employees of the Committee for a maximum of such period as may be specified by the Central Government.
(b) The Chairperson may, with the approval of the Central Government, fill up the casual vacancies caused on account of grant of leave under clause (a).
(6) Casual leave, ordinarily not exceeding four days at a time or eight days in all during a year, may be granted,-
(a) by the Chairperson to the Chief Executive Officer, and
(b) by the Chief Executive Officer to the other officers and employees of the Committee.

15. Section 16 of the Act deals with the appointment of the Chief Executive Officer and other employees. Sub-clause 5 of Section 16 vests the power to employ such other officers and employees as deemed necessary with the Committee with prior sanction of the Central Government. A plain reading of this provision only indicates that the Committee has the power to employ officers and other employees as deemed necessary. Undoubtedly, the Committee is vested with the power to engage the Petitioners as seasonal workers, with the prior sanction of the Central Government. Accordingly, the Committee employed the Petitioners. Section 44 empowers the Central Government to make rules to carry out the

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purposes of the Act by issuing a notification in that regard. Section 44(2) gives a list of subjects which may be covered by the Rules so made. Accordingly, the Central Government has notified the Rules. The Petitioners then rely on Rule 16, which deals with appointments of the Chief Executive Officer and other officers and employees of the Committee on a temporary basis and further provides for making such appointments permanent. Further, Rule 16 also provides for termination of officers and employees on deputation and the CEO, by giving prior notice to all concerned. However, Rule 16 does not authorise the Committee to regularise the services of seasonal employees.

16. We have perused the record carefully. By office order dated 5th June 2009, the Petitioners were appointed as seasonal clerks. The appointment letters contain no terms and conditions. Mr Nagrani has invited our attention to the revised recruitment rules dated 10th February 2006, issued by the Ministry of External Affairs. The Rules set out the posts available for recruitment. Mr Nagrani has attempted to convince us that the Petitioners, appointed as seasonal clerks, have been appointed as lower division clerks, a position listed at Sr. No. 10 of the Recruitment Rules. However, the particulars of the office for the purpose of selection indicate that this post is to be filled by direct recruitment from amongst the seasonal clerks who have worked for at least four Haj seasons in the office of the Haj Committee/ Haj House, and 10% of the posts may be filled up by promotion of Haj Committee / Haj House's Class – D staff possessing the required qualifications. Thus, the Recruitment Rules make it clear that a seasonal clerk is distinct from a lower division clerk, as some lower division clerk posts are to be

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filled from amongst the available pool of seasonal clerks. We are thus not inclined to accept Mr Nagrani's argument that the post of Junior Division Clerk provided for in the Recruitment Rules is the same post as the seasonal clerk.

17. We also asked Mr Nagrani to point out the relevant Rules governing the terms and conditions of service of the Petitioners. The Recruitment Rules on record clearly do not provide for the terms and conditions of service pertaining to seasonal clerks. There does not appear to be any permanent post in the Haj Committee of a seasonal employee. As per the requirements of any Haj season, the employees were recruited for that particular season. Their appointment seems to be only for that season. It may be that several of the Petitioners were re-appointed for more than one Haj season; however, the same cannot be translated into regularisation of their services, since their appointments were purely of a seasonal nature. The employment of such seasonal workers will come to an end by efflux of time.

18. The Petitioners have prayed to set aside their termination letter and have also sought a declaration that they should not be replaced by another set of contractual employees and that they should be continued with all consequential benefits of service. In the context of their designation as seasonal employees, the Petitioners have no legal right to claim permanent appointment and regularisation.

19. There is a complaint made by the Petitioners that the Haj Committee is in fact in need of persons to discharge the same work as was being done by the Petitioners as seasonal workers and despite the same, the Haj Committee has proceeded to issue a notification calling for applications from aspiring candidates.

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The Petitioners thus allege that the interests of justice demand that the Petitioners themselves, having worked with the Committee for so many years, deserve to be reappointed instead of hiring new hands. In the Affidavit filed by one Md. Nadeem, Under Secretary, Haj Division, Ministry of Minority Affairs of Government of India, it is clearly averred that the Haj Committee is not calling for any applications for seasonal clerks to assist the Haj Division in Mumbai. In fact, the Mumbai Division is already adequately staffed. The Committee intends to recruit persons to handle the processing of visa papers and passports of pilgrims from North India in New Delhi. Hence, the Haj Committee has clearly denied the Petitioners' claim that it is recruiting persons to work as seasonal employees in the Mumbai Division, which relates to the Petitioners. Hence, we find no violation of any service rule.

20. Mr Nagrani has further brought to our attention a resolution passed by the Haj Committee in a meeting dated 19th October 2024. At agenda item No. 14, the Committee discussed the issue of 45 seasonal staff terminated in November 2023 who filed a writ petition before the Bombay High Court. The Committee recommended that these 45 terminated staff may be re-engaged if they withdraw the petition. Such a resolution does reveal an arm-twisting strategy. However, without any legal right, the Petitioners cannot be appointed to the permanent post and/or have their services regularised. In ***State of Maharashtra and Ors. Vs. Anita***[1], the Supreme Court held that contractual appointments do not entitle the employees to claim any right or interest in permanent service under the

1 (2016) 8 SCC 293

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government. The conditions of the employees' engagement are governed by the agreement, and once having accepted the contractual appointment, the employees are estopped from challenging the terms of their appointment. In fact, they are not precluded from applying for the said posts afresh in the event regular posts are created subject to satisfying other eligibility criteria.

21. Similarly, in the case of ***Teri Oat Estates (P) Ltd. V. UT Chandigarh & Ors.***[2], the Supreme Court observed that sympathy or sentiment by itself cannot be a ground for passing an order in a case where the appellants miserably failed to establish a legal right. The Supreme Court further observed that despite the extraordinary constitutional jurisdiction under Article 142 of the Constitution of India, even the Supreme Court ordinarily would not pass an order that contravenes statutory provisions.

22. Thus, considering the above discussions, and the settled legal principles that those who were appointed on contract basis only to meet the exigency of the work which would be intermittently available, cannot claim any legal right to seek regularisation, more particularly when no post for such work are created and / or are available. We are thus not inclined to entertain this petition. The Writ Petition is thus dismissed.

23. No costs.

(DR. NEELA GOKHALE, J) **(G. S. KULKARNI, J.)**

2 (2004) 2 SCC 130

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