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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION (ST) NO.21054 OF 2026
IN
WRIT PETITION NO.4932 OF 2025

Municipal Commissioner Navi Mumbai Municipal
Corporation Applicant
Vs
Raghavendra Namdev Pastey And Ors ...Respondents

WITH
INTERIM APPLICATION NO.6459 OF 2026
IN
WRIT PETITION NO.2608 OF 2026

Municipal Commissioner Navi Mumbai Municipal
Corporation Applicant
Vs
Bhavesh Chintaman Khapare And Ors ...Respondents

WITH
INTERIM APPLICATION NO.6463 OF 2026
IN
WRIT PETITION NO.15957 OF 2025

Municipal Commissioner Navi Mumbai Municipal
Corporation Applicant
Vs
Dhanraj Laxman Pawar and Ors. ...Respondents

WITH
INTERIM APPLICATION NO.6457 OF 2026
IN
WRIT PETITION (ST) NO.13493 OF 2025

Municipal Commissioner Navi Mumbai Municipal
Corporation Applicant
Vs
Sachin Umakant Namwad and Ors. ...Respondents

WITH
INTERIM APPLICATION NO.6458 OF 2026
IN

WRIT PETITION (ST) NO.39077 OF 2025

Municipal Commissioner Navi Mumbai Municipal Corporation
Vs
Shiwai Amol Deshmukh and Anr.

.... Applicant
...Respondents

**WITH
INTERIM APPLICATION NO.6460 OF 2026
IN
WRIT PETITION NO.3061 OF 2026**

Municipal Commissioner Navi Mumbai Municipal Corporation
Vs
State of Maharashtra thr. Its Secretary Urban Development & Anr.

.... Applicant
...Respondents

**WITH
INTERIM APPLICATION NO.6461 OF 2026
IN
WRIT PETITION NO.5319 OF 2025**

Municipal Commissioner Navi Mumbai Municipal Corporation
Vs
State of Maharashtra thr. Its Secretary Urban Development & Anr.

.... Applicant
...Respondents

**WITH
INTERIM APPLICATION NO.6462 OF 2026
IN
WRIT PETITION NO.16886 OF 2025**

Municipal Commissioner Navi Mumbai Municipal Corporation
Vs
State of Maharashtra thr. Its Secretary Urban Development & Anr.

.... Applicant
...Respondents

Mr. Anil Sakhare, Sr. Adv. a/w Mr. Tejesh Dande, Mr. Bharat Gadhavi, Mr. Aniket Shitole, Mr. Vinayak Shelar i/b Tejesh Dande for Applicant – Navi Mumbai Municipal Corporation.

Officers :- Mr. Kisanrao Palande, Deputy Municipal Commissioner & Mr. Jay Jagdale, Senior Clerk

Mr. Sayyed Tauseef Yaseen for Petitioner in WP/4932/2025 & WP/3061/2026

(Not On Board)

Dr. Uday P. Warunjikar a/w Mr. Sumit Kate and Ms. Sonali R. Chavan for Petitioner in WP/5319/2025.

Mr. Vishwajeet Kapse a/w Mr. Pawan Tiwari for Petitioner in WP(ST)/13493/2025.

Mr. Prashant P. Chavan, Sr. Adv. a/w Mr. Ravindra R. Chile i/b Navdeep Vora & Asso. For Petitioner in WP(ST)/39077/2025.

Mr. Sangharsh V. Waghmare for Interveners in IAST/9597/2026 in WP/4932/2025.

Mrs. T. N. Bhatia, AGP for State.

**CORAM: G. S. KULKARNI &
DR. NEELA GOKHALE, JJ.**
DATE: 19 AUGUST 2026.

P.C.

1. We have eight Interim Applications which are filed by the Navi Mumbai Municipal Corporation (NMMC)-Respondent. These applications are on the backdrop of the orders which were passed from time to time in the present proceedings and more particularly, initially in view of the statement which was made on behalf of the NMMC qua the recruitment process being undertaken by it under the advertisement dated 27 March 2025 and corrigendum dated 29th April 2025. Under the said advertisement, the NMMC advertised 658 posts from class C and class D with respect of 30 cadres. The petitioners in all these eight applications had approached this Court contending that they were contract appointees and who had been continued by the NMMC by the time to time renewal of their contracts for a substantially long period between 15 to 20 years. It is, hence, their contention that the recruitment process being undertaken under the advertisement would prejudicially affect them and would take away their rights of employment with the NMMC, which they are presently enjoying

although under a prolonged contractual arrangement. Their plea is that they ought to have been regularized and without their regularization, no steps could have been taken by the NMMC to undertake any regular selection. The basis of the present applications are the orders which were passed by the Division Bench on the earlier occasion. We are hence required to note the details of order dated 6 May 2025. On 6 May 2025 a co-ordinate Bench of this Court passed the following order:

- 1. The Petitioner No.4 in Writ Petition No.5319 of 2025, seeks leave to delete his name from the array of the Petitioners since he has already preferred Writ Petition (St) No.13493 of 2025. Liberty granted. The name be deleted.*
- 2. Issue notice to the Respondents, returnable on 25th June, 2025. The learned Additional G.P. waives service of notice on behalf of Respondent No.1. The learned Advocate Mr. Dande waives service of notice on behalf of their respective Respondents.*
- 3. Let the affidavits in reply be filed, at least ten days, prior to the returnable date.*
- 4. The Petitioners have tendered a chart in the pleadings in the Petitions, indicating that many of them have been working since 2009. Two persons have been working since 2006 and 2007. An advertisement is not published to recruit fresh hands in their places. We are informed that the last date for the Applicants (from the public at large), would be 11th May, 2025.*
- 5. To balance the equities, we direct that these Petitioners, in view of the age relaxation granted by Respondent No.2, would make their applications for the said posts without prejudice to their rights. **Until further orders, the service conditions of these Petitioners would not be altered without the leave of the Court.***

(emphasis added)

2. Thereafter, a co-ordinate Bench of this Court on 18 August 2025 continued the order dated 6 May 2025 by the following order:

- 1. At the request of the learned counsel for the petitioner(s), post the matter on 15th September 2025.*
- 2. Reply, if any, to be filed by the respondents in the meantime.*
- 3. The ad-interim relief granted by the order dated 6th May 2025 shall continue to operate till the next date of hearing.*

3. By a further order dated 25 August 2025 passed by a co-ordinate Bench, the Court in paragraph 3 recorded a statement made on behalf of the NMMC that till the next date of hearing, the score-cards shall not be published. The said order reads as under:

“1. Mr. Tejash Dande, the learned counsel for respondent nos.2 and 3 – Navi Mumbai Municipal Corporation states that a reply affidavit is ready and that shall be filed by tomorrow.

2. Dr. Uday Warunjikar, the learned counsel for the petitioners in Writ Petition No.5319 of 2025 states that the respondent-Municipal Corporation is likely to publish the score-card by 26th August 2025.

3. However, Mr. Tejash Dande, the learned counsel appearing for Navi Mumbai Municipal Corporation makes a statement on instructions that till the next date of hearing, the score-card shall not be published. 4. Post the matter on 10th September 2025 at 3:30 p.m.”

(emphasis added)

4. By a further order dated 23 September 2025 the aforesaid orders continued to operate.

5. On the aforesaid backdrop, the present Interim Applications are filed by the NMMC praying for the following substantive reliefs. For convenience, we note the prayers as made in the First Interim Application* which read as under:-

“a) That this Hon'ble Court may kindly be pleased to grant permission to Applicant / Navi Mumbai Municipal Corporation to proceed with the recruitment process pursuant to the Advertisement dated 27.03.2025 and Corrigendum dated 29.4.2025 in respect of 499 posts, without causing any adverse impact on the claims of the Petitioner, as specified in the chart at Exh B;

b) That this Hon'ble Court may kindly be pleased to modify/clarify the statement recorded in the Order dated 25.08.2025 passed by this Hon'ble Court (Coram: Shree Chandrashekar & Aarti Sathe, JJ) suitably;

c) Any other and further Orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

* Interim Application (st) 21054 of 2026

6. We have heard learned counsel for the parties on the present Interim Applications. Mr. Sakhare, learned Senior Advocate for the applicant-NMMC would submit that a serious prejudice is being caused to the Municipal Corporation by the continuation of the ad-interim orders passed by this Court. We note that the Municipal Corporation is in an urgent need to complete the selection process in question, failing which the functioning of the NMMC stands adversely affected. He submits that insofar as the contract appointees like the petitioners are concerned, they belong to two cadres. He states that insofar as the other cadres in respect of which the petitioners are not concerned, qua which the selection procedure has already been initiated, which are stated to be 15 cadres, the selection process needs to be taken forward and appointments be made. Mr. Sakhare on instructions also makes a statement that insofar as the contract appointees are concerned which includes the petitioners, their appointments in no manner would be disturbed by the selection process being undertaken as the post being filled are of the cadres with which the petitioners are not concerned. It is hence his contention that in this view of the matter, the ad-interim protection granted by the earlier orders (supra) needs to be vacated.

7. On behalf of the petitioners, the primary contention is to the effect that the petitioners considering their long service with the NMMC as contract appointees would be required to be regularized. In such context, on behalf of the petitioners, our attention is drawn to an to the order dated 10 December 2025, passed by the Division Bench in Writ Petition No.4932 of 2025 and connected matters in in which considering the rival contentions and the settled position in

law, in regards to the right being created in favour of the contract appointees on account of their long continuation in the services of the NMMC, the Court directed the State Government to take an appropriate decision qua their regular appointment. In paragraph 12 of the said order, the Division Bench directed that the Principal Secretary of the Urban Development Department shall consider the said issue. The Court recommended that the said authority shall place the subject before the highest authority in the said Department for a well thought decision on the issue as to whether the 479 persons (contract appointees) can be considered for regularization, depending upon the sanctioned posts on which they could be accommodated, having discharged duties in the same department for same activity as a one time scheme. Such order ought to have been taken to its logical conclusion by the State Government considering such direction as made by the Court. The said proceedings were adjourned for a period of four weeks so that the Principal Secretary, Urban Development Department would place a road map before the Court to indicate as to how this issue and the reference made by the Court were to be dealt with, more so in the light of the earlier efforts made by the Corporation to regularize the employees.

8. Thus, the intention of the NMMC was to regularize the services of these persons, however, subject to the decisions of the State Government.

9. In the light of the above directions of this Court, to our dismay, Mrs.Sushila Dhondiram Pawar, working as Deputy Secretary of the Government of Maharashtra in Urban Development Department has placed on record a reply affidavit dated 3 February 2026. We are quite surprised as to how, once the High

Court had issued categorical directions, an affidavit could have been filed by the Deputy Secretary. This apart the Deputy Secretary has not dealt with the clear observations which were made by the Court as to the position which the State Government would take insofar as the regularization of the contract appointees was considered and more particularly, considering the principles of law which have been discussed in the order dated 10 December 2025 passed by the Division Bench. Thus, the affidavit is fundamentally a defective affidavit. It should not have been filed. The affidavit ought to have been filed only by the Principal Secretary after applying his mind to the serious concerns which were echoed by the Division Bench in its order dated 10 December 2025 and as a one time scheme. In this view of the matter, we are constrained to direct the Principal Secretary to place on record an affidavit in compliance of the order dated 10 December 2025 passed by this Court which needs to be adhered, in letter and spirit. Considering the settled position in law as referred to in paragraph 11 of the said order a one time decision needs to be taken by the State Government. This more particularly considering the Constitutional scheme of Article 243W of the Constitution of India, under which the powers, authority and responsibility of the municipal bodies, which are local self government, stand reflected.

10. Thus considering the principles that the NMMC is an institution of self-government within the meaning and purview of Article 243W of the Constitution of India with the powers and the autonomy of a local self-government it wields, certainly a decision as taken by the NMMC, was required to be respected by the State Government. The State Government was required to

consider the principles of law as laid down by the Supreme Court in respect of long contractual appointments and as specifically referred to in the order dated 10 December 2025. Also, it is within the domain of the authority, power and responsibility of the NMMC, to ascertain the manpower requirement and accordingly establish its own staffing pattern in making appointments for the functioning of the local self-government. Needless to observe that the State Government is not concerned with the funding of these posts, as the posts are required to be catered, serviced and funded by the Municipal Corporation without any financial burden on the Municipal Corporation, hence, in the event on this count when the NMMC has taken all steps which are not arbitrary, when there is no illegality affecting public interest, the petitioner would be correct, that the State Government ought not to obstruct the NMMC in its decision to regularize the longstanding contract appointees. We would expect the State Government therefore to apply its mind on these issues considered in the orders passed by this Court in taking the decision as a one time measure. Let such decision be taken and placed on record on the adjourned date of hearing and an affidavit to that effect be filed by the Principal Secretary.

11. Insofar as the selection process initiated is concerned, we find that it has been quite some time since the selection process has commenced, it has reached the final stage and the same needs to be taken forward as it involves several cadres including cadres with which the petitioners are not concerned. The NMMC is correct in its contention that there would be prejudice caused to the Municipal Corporation, in the event the appointments are not made at an early date, as the

day to day functioning of the NMMC is affected in the appointments being not finalised. This would also be prejudicial to several candidates who have applied for these posts and who are now part of the selection procedure.

12. Mr. Sakhare on behalf of the NMMC, on instructions, has take a fair stand that as the decision is pending with the State Government in regard to the contract appointees to be regularized as a one time measure, as decided by the NMMC, we are of the opinion that no prejudice would be caused to the petitioners or any contract appointees as the status of their present employment is not being disturbed, we are inclined to dispose of this Interim Application by the following order:

ORDER

1. We accept the statement as made by Mr. Sakhare on behalf of the NMMC that the petitioners who were contract appointees, would not be disturbed insofar as their contractual appointments are concerned;
2. The NMMC is permitted to proceed with the selection process initiated under the Advertisement dated 27 March 2025 and Corrigendum dated 29 April 2025 and to finalise the selection process by making appropriate appointments. To this extent, the ad-interim orders passed by this Court stand vacated;
3. We direct the Principal Secretary of the Urban Development Department to place on record the final decision the State

Government would take in regard to the regularization of the petitioners/contract appointees as a one time measure, and more particularly considering the settled principles of law as laid down by the Supreme Court as referred to in the order dated 10 December, 2025. In taking such a decision, all the observations made by this Court in the said order necessarily shall be considered in letter and spirit. As substantial time has elapsed and such decision should have been taken long back, without any further extension, the Principal secretary shall take such appropriate decision within a period of four weeks from today, in accordance with law.

13. The proceedings of the Writ Petition are returnable after four weeks from today (HOB).
14. The Interim Applications stand disposed of in above terms. No costs.

(DR. NEELA GOKHALE, J.)

(G. S. KULKARNI, J.)