

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

WRIT PETITION NO.4519 OF 2016

1. Anju d/o Vishwanath Kulal (Nirmal)
Age 39 years, Occu. Service
(Craft Instructor - Dress Making),
R/o Vijay Nagar, Sanjay Chowk,
Osmanabad, Taluka and
District Osmanabad
 2. Satish s/o Bankatlal Chaparwal,
Age 40 years, Occu. Service,
(Craft Instructor - Painter General),
R/o Bhagyashri App. Flat No.3,
Adarsh Colony, Garkheda Parisar,
Aurangabad, Taluka and
District Aurangabad
- ... **PETITIONERS**

VERSUS

1. The State of Maharashtra
through its Secretary,
Vocational Education & Training
Department, Mantralaya, Mumbai - 32
(Copy to be served on Govt. Pleader,
High Court, Bench at Aurangabad)
 2. The Joint Director/ The Deputy Director,
Vocational Education & Training,
Regional Office, Aurangabad
Taluka and District Aurangabad
- ... **RESPONDENTS**

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Shri P.V. Suryawanshi, Advocate for petitioners
Shri A.V. Deshmukh, A.G.P. for State

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CORAM: ANOOP V. MOHTA AND
 SUNIL K. KOTWAL, JJ.

DATED: 29th June, 2017.

ORAL JUDGMENT (Per Anoop V. Mohta, J.):

1. Rule. Rule made returnable forthwith and heard finally with the consent of learned counsel appearing for the parties.

2. The petitioners have prayed to modify orders dated 4/9/2009 and 5/3/2007 passed by the Maharashtra Administrative Tribunal (MAT), Aurangabad and has prayed to direct to regularise their services from the date of Government Resolution dated 8/3/1999 after considering the additional affidavit dated 27/6/2017 filed by the contesting respondents, whereby they have accepted the position as contended by the petitioners that similarly situated employees have been granted regularisation w.e.f. 8/3/1999. Para No.3 of the affidavit-in-reply dated 27/6/2017 is reproduced as under :

"3. I say that, with the above discussion it is very clear that, this respondent office is not in a position to sanction the applicant's proposal of the regularisation of services w.e.f. 8/3/1999. The identical cases of employees bearing O.A. No.749, 750, 809 of 1999 came to be allowed by the Id. Maharashtra Administrative Tribunal,

Aurangabad, hence their proposal of service regularisation w.e.f. 8/3/1999 were accepted and sanctioned by this respondent."

3. Therefore, in view of above, we see, there is no reason to deny the said benefit only to the petitioners as they are also required to be treated equally with other similarly placed employees. Therefore, the Writ Petition is allowed in terms of prayer clauses (B) and (C) which run as under :

(B) By a writ of mandamus, or any other appropriate writ, or order or directions in the like nature, the order dated 4/9/2009 and 5/3/2007 passed by the learned M.A.T. in O.A. No.678/1999 & O.A. No.5/2000, may kindly be modified.

(C) By a writ of mandamus, or any other appropriate writ, or order or directions in the like nature, the respondent authorities may kindly be directed to regularise the services of the petitioners from the date of G.R. dated 8/3/1999.

4. Rule is made absolute in above terms. No costs.

(SUNIL K. KOTWAL)
JUDGE

(ANOOP V. MOHTA)
JUDGE

fmp/