

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

**Writ Petition No. 4616 of 2005
With
Civil Application No.3516 of 2007**

* Vinayak s/o Vithal Jadhav,
Age 26 years,
Occupation : Service,
R/o Pusegaon, Taluka Shengaon,
District Hingoli. **.. Petitioner.**

Versus

- 1) The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai - 32.
- 2) The Additional Commissioner,
Tribal Development, Amravati.
- 3) The Project Officer,
Integrated Tribal Development
Project, Kinwat, District Nanded.
- 4) Sant Namdeo Shikshan Prasarak
Mandal, Jambhrun, Andh-Tanda,
Taluka and District Hingoli.
Through its President
Shri Shriram Ratansing Pawar,
Age 65 years,
Occupation: Agriculture,
R/o Risala Bazar,
Taluka and District Hingoli.
- 5) Bhagwan Narayan Ghayal,
Sant Namdeo Ashram Shala,
Jambhrun Andh-Tanda,
Taluka and District Hingoli.

- 6) The Director,
Maharashtra Council for
Educational Research and
Training, Sadashiv Peth,
Pune - 30.

.. Respondents.

Shri. A.S. Kale, Advocate, for petitioner.

Shri. Y.G. Gujarathi, Assistant Government Pleader, for
respondent Nos.1 to 3.

Petition is abated as against respondent No.5.

**Coram: T.V. NALAWADE &
SUNIL K. KOTWAL, JJ.**

Date: 27 APRIL 2018

ORAL JUDGMENT (Per T.V. Nalawade, J.):

1) The petition is filed to challenge the Government Resolution dated 25-9-2006 due to which in the scheme of regularisation the Government has not made provision for back wages. This Court had occasion to consider this point, the challenge which the petitioner wants to raise by making amendment in the petition for which a civil application was filed. In the judgment of this Court in Writ Petition No.4604 of 2008 this Court has made observations at paragraph 2 as follows.

"2. It appears that many similar cases were considered by the State Government and ultimately a sympathetic view was taken by the Government and the services of all such persons whose appointments were not made properly and on the date of the appointment who were not having necessary qualification are regularized for Ashram Schools considering the necessity of teachers in Ashram schools but that is subject to some conditions mentioned in the decision. The condition is that only from the date of appointment the services were regularized and they will not be entitled to get arrears of salary. Salary was made payable from 1-10-2006 but the petitioner is claiming salary for the period 1-5-2002 to 30-9-2006. Other similarly placed teachers are not getting that benefit but the petitioner is claiming that benefit. It can be said that already sympathetic view is taken by the Government and subject to some conditions the services of the petitioner are regularized. Nothing more could have been done by the Government and this Court sees no reason to interfere in the aforesaid policy decision taken by the Government. The petition stands dismissed. Rule discharged."

2) As the points nobody *res-integra* no relief can be granted in favour of the petitioner. So, the petition stands dismissed. Rule is discharged. Civil application stands dismissed.

Sd/-
(SUNIL K. KOTWAL, J.)

Sd/-
(T.V. NALAWADE, J.)

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