

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

**REVIEW APPLICATION (ST) NO. 24678 OF 2019
IN
WRIT PETITION NO. 7351 OF 2012**

State of Maharashtra and Others ..APPLICANTS

VERSUS

Aadiwasi Vikas Ashram Shala Rojandari Shikshak
and Chaturthi Shreni Karmachari Sanghatana,
Maharashtra Rajya, Nashik
Through its Chairman ..RESPONDENT

**WITH
REVIEW APPLICATION (ST) NO. 24792 OF 2019
IN
WRIT PETITION NO. 2194 OF 2013**

State of Maharashtra and Others ..APPLICANTS

VERSUS

Dhanlal Chagan Tadvī and Others ..RESPONDENTS

**WITH
REVIEW APPLICATION (ST) NO. 24729 OF 2019
IN
WRIT PETITION NO. 5867 OF 2015**

State of Maharashtra and Others ..APPLICANTS

VERSUS

Madhukar Bhavanrao Sadgir and Others ..RESPONDENTS

**WITH
REVIEW APPLICATION (ST) NO. 24790 OF 2019
IN
WRIT PETITION NO. 2196 OF 2013**

State of Maharashtra and Others ..APPLICANTS

VERSUS

Virsing Mansing Pawra and Others ..RESPONDENTS

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Mr. V.M. Kagne, A.G.P. for applicants – State
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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.
DATED : 20th SEPTEMBER, 2019**

PER COURT :

Mr. Kagne, learned A.G.P. for applicants – State submits that this Court, pursuant to judgment under review, has directed regularization of the services of the original petitioners completing ten years of service. Learned A.G.P. submits that this Court, while delivering judgment under review, was swayed by Government Resolution dated 08th July, 2014, whereby Tribal Development Department regularized services of the employees working in vocational courses. Learned A.G.P. further submits that the genesis for issuing said government resolution was on a different premise that it was difficult for getting technical persons to officiate for vocational courses. In light of that government resolution was issued. The original petitioners cannot be treated on par with the persons rendering services in vocational courses. Learned A.G.P. further submits that the original petitioners were appointed without following due selection process on temporary basis. In view of that they do not get any right to seek regularization in the service. This aspect also requires to be considered. It is further submitted that time to time recruitment process were undertaken. The original petitioners had opportunity to participate in the recruitment process. The applicants placed

on record chart showing the dates. The applicants had resorted to recruitment process. The entry of the original petitioners is back door entry. It is further submitted that the Hon'ble Governor has issued a notification that the locals shall be appointed in the Tribal Ashram Schools. The original petitioners are not locals. If the original petitioners are appointed, the right of local persons would be affected.

2. We have heard learned Counsel for respondents.

3. The scope of review would be in a narrow compass. The review cannot be heard as an appeal in disguise. Moreover, under the judgment sought to be reviewed, we had directed regularization of the services of only those employees, who had completed ten years of services and those who were in services at the time of filing the petitions. The date of regularization was also to be effective from the date of filing of writ petition and not prior to that.

4. The original petitioners were working on the post of Assistant Teacher. The names of these petitioners were called from Employment Exchange. Their interviews were conducted and they were selected to officiate their duties as Assistant Teacher and some of them as members of non-teaching staff. For ten years and more, the applicants did not conduct the selection process of the posts held by the original petitioners. In view of that

till the date of filing of writ petition, the original petitioners did not have any occasion to participate in the selection process. Some of the original petitioners, with passage of time, became over aged, thereby precluded from participating in the selection process, if held in future.

5. The original petitioners have rendered the services at the time when the applicants were not getting Assistant Teachers and/or Class IV employees to officiate in Tribal Ashram Schools, situated in remote areas. It is because of them the institutions functioned. At the time they were officiating, the means of communication and transportation were scarce. We have, in the judgment under review, observed that the petitioners were required to work on a meager honorarium. Extracting the work from the petitioners on a meager honorarium for ten years and more would tantamount to their exploitation and same would not be within the concept of welfare State. State is expected to be a model litigant.

6. In light of the above, we do not find any error appearing on the face of record. Therefore, applications for review are rejected.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

SSD