

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

WRIT PETITION NO. 5252 OF 2020

Sunita Suresh Mandole
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioners.
Mr. S. G. Karlekar, AGP for Respondents/State.
Mr. M. S. Sonawane, Advocate for Respondent No. 5.
Mr. A. B. Dhongade, Advocate for Respondent No. 9.
Mr. U. B. Bondar, Advocate for Respondent No. 13.

**WITH
WRIT PETITION NO. 4761 OF 2019**

Seema Madhukar Gavli

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondents/State.
Mr. S. R. Yadav-Lonikar, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 4778 OF 2019**

Vandana Atmaram Paithane

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
 Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
 Mr. V. M. Vibhute, Advocate for Respondent No. 5.
 Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
 WRIT PETITION NO. 4779 OF 2019**

Anju Subhash Nirmal .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
 Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
 Mr. V. M. Vibhute, Advocate for Respondent No. 5.
 Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
 WRIT PETITION NO. 4780 OF 2019**

Anita Vijyanand Kamble .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
 Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
 Mr. V. M. Vibhute, Advocate for Respondent No. 5.
 Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
 WRIT PETITION NO. 4781 OF 2019**

Pallavi Prakash Joshi .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
 Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
 Mr. V. M. Vibhute, Advocate for Respondent No. 5.
 Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
 WRIT PETITION NO. 4782 OF 2019**

Ashwini Pandurang Lahane .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
 Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
 Mr. M. S. Taur, Advocate for Respondent No. 5.
 Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
 WRIT PETITION NO. 4783 OF 2019**

Anita Shivaji Nage .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
 Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
 Mr. M. S. Taur, Advocate for Respondent No. 5.
 Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
 WRIT PETITION NO. 4784 OF 2019**

Pratima Prasadrao Nirmal .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
 Mr. S. G. Karlekar, AGP for Respondents/State.
 Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
 WRIT PETITION NO. 4785 OF 2019**

Mamta Nandlal Dhale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
 Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
 Mr. M. S. Taur, Advocate for Respondent No. 5.
 Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
 WRIT PETITION NO. 4786 OF 2019**

Manda Panditrao Kasbe .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
 Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
 Mr. M. S. Taur, Advocate for Respondent No. 5.
 Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
 WRIT PETITION NO. 4787 OF 2019**

Leena Bhatuvel Pakkhre .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
 Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
 Ms. M. S. Jagtap, Advocate for Respondent No. 5.
 Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 4788 OF 2019**

Suvarna Uttamrao Tupe .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
Ms. M. S. Jagtap, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 4789 OF 2019**

Suman Vijyanand Kamble .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
Ms. M. S. Jagtap, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 4790 OF 2019**

Rekha Prasadrao Nirmal .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
Mr. B. S. Deshmukh, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 4791 OF 2019**

Varsha Jagdeo Jadhav .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
Ms. M. S. Jagtap, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 4792 OF 2019**

Savita Clement Aswale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
Mr. U. B. Bondar, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 4793 OF 2019**

Soniya Baliram Devgire .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
Mr. B. S. Deshmukh, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 4794 OF 2019**

Ujwala Sukhdeo Zote .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
Mr. U. B. Bondar, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 4801 OF 2019**

Priti Madhavsingh Bundele .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
Mr. U. B. Bondar, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 4802 OF 2019**

Pooja Sainath Gedam .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
Mr. U. B. Bondar, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 6559 OF 2019**

Mukta Haribhau Nemade
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioners.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
Mr. S. P. Chale, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 8599 OF 2019**

Smita Rajaram Rajurkar
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioners.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
Mr. S. B. Pulkundwar, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 8600 OF 2019**

Kalinda Naryan Bochre
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioners.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
Mr. S. R. Yadav, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 8601 OF 2019**

Ashwini Sharad Gire

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
Mr. S. R. Yadav, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 8602 OF 2019**

Seema Damodhar Hanwate

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
Mr. S. R. Yadav, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 13455 OF 2019**

Anupama Narayan Tigote
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioners.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4, 6, 8, 10, 12 & 14..
Mr. S. B. Pulkundwar, Advocate for Respondent Nos. 5 & 15.
Mr. M. S. Sonawane, Advocate for Respondent No. 7.
Mr. S. T. Shelke, Advocate for Respondent No. 9.
Mr. S. S. Manale, Advocate for Respondent No. 13.
Mr. A. G. Talhar, ASG for Respondent No. 16.

**WITH
WRIT PETITION NO. 13506 OF 2019**

Surekha Baburao Ghorpade
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioners.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
Mr. S. B. Pulkundwar, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 14934 OF 2019**

Madhuri Ganpatrao Thorat

.. Petitioner

Versus

The Union of India and others

.. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
Mr. P. R. Nangare, Advocate for Respondent Nos. 6& 7.
Mr. A. G. Talhar, ASG for Respondent No. 8.

**WITH
WRIT PETITION NO. 115 OF 2020**

Manisha Santram Jagtap
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioners.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
Mr. S. T. Shelke, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 662 OF 2020**

Bhagyashree Baliram Choudhari
and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioners.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 3.
Mr. Sachin S. Deshmukh, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 674 OF 2020**

Sangita Chhotusing Chavan
and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioners.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 3.
Mr. P. R. Nangare, Advocate for Respondent No. 5.
Mr. U. B. Bondar, Advocate for Respondent No. 9.
Ms. Preeti Diggikar, Advocate for Respondent No. 11.
Mr. A. G. Talhar, ASG for Respondent No. 12.

**WITH
WRIT PETITION NO. 1494 OF 2020**

Shaikh Yasmeeen Shaikh Nasir
and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioners.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
Mr. V. M. Chate, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 3270 OF 2020**

Mahadevi Madhukar Hire
and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioners.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 4.
Mr. S. S. Deshmukh, Advocate for Respondent No. 5.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 3943 OF 2020**

Lata Pralhad Rakh
and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioners.
Mr. S. G. Karlekar, AGP for Respondents/State.
Mr. V. M. Chate, Advocate for Respondent No. 6.
Mr. A. G. Talhar, ASG for Respondent No. 7.

**WITH
WRIT PETITION NO. 4522 OF 2020**

Seema Shankar Ragade .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondents/State.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 4541 OF 2020**

Rekha Dhondiram Gaikwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondents/State.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 4550 OF 2020**

Janabai Shivmurti Kapse .. Petitioners
and others

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioners.
Mr. S. G. Karlekar, AGP for Respondents/State.
Mr. A. G. Talhar, ASG for Respondent No. 12.

**WITH
WRIT PETITION NO. 4553 OF 2020**

Suchitra Gangadharrao Khandagale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondents/State.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 4702 OF 2020**

Vaishali Vishwas Nikalje .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondents/State.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**WITH
WRIT PETITION NO. 5288 OF 2020**

Dipali Dilip Sonawane .. Petitioners
and others

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioners.
Mr. S. G. Karlekar, AGP for Respondents/State.
Mr. A. G. Talhar, ASG for Respondent No. 20.

**WITH
WRIT PETITION NO. 7937 OF 2020**

Sangita Bhika Thakare .. Petitioners
and others

Versus

The State of Maharashtra and others .. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioners.
Mr. S. G. Karlekar, AGP for Respondents/State.
Mr. A. G. Talhar, ASG for Respondent No. 4.

**WITH
WRIT PETITION NO. 2777 OF 2021**

Chhaya Kadu Chitte
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Pramod A. Kulkarni, Advocate for the Petitioners.
Mr. S. G. Karlekar, AGP for Respondents/State.
Mr. A. G. Talhar, ASG for Respondent No. 6.

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 24th November, 2021.

PER COURT:-

. The petitioners herein are appointed as ANM/Health Worker under the programme of Reproduction and Child Health Project (RCH). Majority of the petitioners are appointed prior to ten years. Some of them are appointed for a lesser period also. It is the contention of the petitioners that all these petitioners are appointed after passing the written examination, conduct of interview pursuant to the advertisement. The medical verification was also done.

2. According to Mr. Kulkarni, learned counsel for the petitioners the project is still continuing. Initially, it was the Central Government funding the entire project. Now, the project is funded

by the Union as well as the State. The scheme was funded by the Central Government and the State Government though it was the scheme introduced by the Central Government. The petitioners are paid consolidated amount of salary every month. The learned counsel further submits that the petitioners are entitled for regularization of services.

3. Mr. Karlekar, learned A.G.P. submits that the petitioners are appointed as contractual ANM/Health Workers under the project. They are not appointed as against the sanctioned posts of the Zilla Parishad or the State Government as they are appointed under the project on consolidated salary on contract basis. They cannot be regularized. The petitioners cannot be considered as against the sanctioned posts of the Zilla Parishad that are de hors the scheme under RCH.

4. We have also heard the learned A.S.G. and the learned counsel for the Union.

5. The learned counsel for Zilla Parishad submits that the advertisement is issued by the Zilla Parishad for filling in the posts for ANM that are sanctioned and vacant posts with the Zilla Parishad. The petitioners working under the project cannot be considered for regularization on the sanctioned posts of Zilla Parishad. The petitioners

can compete with others for appointment on the said posts.

6. We have considered the submissions canvassed by the learned counsel for respective parties.

7. It certainly appears that the petitioners were appointed by following selection process to the extent that advertisement was issued. The written exams were conducted and oral interviews were also held before appointment. It also appears to be a matter of fact that the petitioners are appointed under the RCH scheme and they are performing the duties continuously since then. Some of the petitioners are working for almost 15 years. Majority of the petitioners are working for ten years and above with exceptions of some.

8. We cannot direct regularization of the petitioners working on project on the sanctioned posts of Zilla Parishad for which the advertisement is issued and the recruitment process has also been undertaken.

9. Even the Apex Court in a case of ***Secretary, State of Karnataka and others Vs. Umadevi and others*** reported in ***(2006) 4 SCC 1*** had directed regularization of the employees working for more than ten years continuously.

10. In the present case, it would appear that the petitioners are appointed by following selection process under the project and the said project is being continued for a long time i.e. for more than 15 years. In such a scenario, the State Government may take appropriate decision for regularization of the services of these petitioners. It also needs to be considered that as the petitioners are working for 10-15 years as ANM/ Health Workers under the project, they have crossed the age for participating in the fresh selection process. Extracting services of the petitioners on consolidated salary for years together also would be inappropriate.

11. In the light of that, we direct the State Government to consider the cases of the petitioners for regularization either on the posts they are working under the RCH or some other posts under the State Government considering the length of service. The State Government can also fix the cut off date viz. that the persons working for a minimum period of particular years may be considered for regularization.

12. The State Government may take decision upon the aforesaid aspect i.e. the regularization of the services of the petitioners as discussed above on its own merits, expeditiously and preferably within a period of six (06) months from today. Depending upon the decision

taken by the State Government, the parties may take appropriate steps.

13. With the aforesaid observations and directions, the writ petitions stand disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.