

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

WRIT PETITION NO. 3734 OF 2021

Suryabhan S/o Kacharuji Shejwal
and others

... Petitioners.

Versus

The State of Maharashtra
and others

... Respondents.

....

Mr. S.S. Thombre, Advocate for the Petitioners.

Mr. S.G. Karlekar, A.G.P. for all the Respondents.

....

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 25th FEBRUARY, 2021

PER COURT:-

1. The petitioners seek regularization of services.
2. Learned A.G.P. accepts notice for all the respondents.
3. It is submitted that the petitioners were parties to the Original Application along with the petitioners of writ petition No.2487 of 2013 before the Maharashtra Administrative Tribunal. The Original Application was rejected. The present petitioners could not join along with the other petitioners of writ petition No.2487 of 2013 in filing the writ petition. The Division Bench of this Court under order dated

05.12.2019 disposed of the writ petition directing to grant regularization of services. The petitioners are similarly situated and were the parties to the proceeding before the Tribunal. The learned counsel for the petitioner submits that the same benefit be given to the petitioners.

4. Mr. Karlekar, learned A.G.P. submits that the present petition deserves to be dismissed on the ground of delay and laches. The order of the Tribunal is of the year 2012. The petitioners were fence-sitters. They were watching the result of the proceedings initiated by other colleges and upon the decision of this Court they have filed the present writ petition. No relief can be granted to the petitioners. To substantiate his contention, the learned A.G.P. relies on the judgment of the Apex Court in a case of ***State of U.P. and others Vs. Arvind Kumar Shrivastava and others*** reported in ***2015 (1) SCC 347***.

5. There is no dispute that the Original Application bearing No. 748 of 2009 was filed by the various persons along with the present petitioners. The Tribunal rejected the said Original Application under order dated 14.02.2012. Ten out of those applicants have filed the writ petition bearing No.2487 of 2013. The said writ petition came to be disposed of on 05.12.2019.

6. It is the contention of the petitioner that the respondent/State has not yet accorded the benefit to the petitioners in writ petition No.2487 of 2013 as per the directions of the Division Bench of this Court and the same order is yet to fructify.

7. It appears that the petitioners had already approached the Maharashtra Administrative Tribunal along with other persons and filed Original Application bearing No.748 of 2009. It is not the case that the petitioners did not approach the Tribunal in time. However, the present petitioners did not join with other petitioners in writ petition No.2487 of 2013 in challenging the order of the Tribunal. The cause of the present petition is same with the petitioners of writ petition No.2487 of 2013. The applicants Arjun and Suresh before the Tribunal had died subsequently, as such, the present petition is filed by their legal heirs and Suryabhan could not join along with the other petitioners.

8. As the present petitioners are similarly situated as the petitioners in writ petition no.2487 of 2013 and the benefit is yet to be accorded to the petitioners in the said writ petition, we dispose of the present writ petition on the same terms as the writ petition No.2487 of 2013 under order dated 05.12.2019. Para 17 of the said order reads thus:

“17. Having regard to aforesaid, we deem it appropriate particularly that, proper order about regularization of petitioners services be passed in accordance of the decisions by referred to in paragraphs No.10, 11 and 12 herein above. Present petitioners’ services be given similar treatment and the dates of regularization be accorded having regard to relevant facts and circumstances. Rule is made absolute accordingly. Writ petitions disposed of accordingly.”

9. In the light of the above, the present petitioners be given the same treatment as the petitioners in writ petition No.2487 of 2013 decided under judgment and order dated 05.12.2019.

10. The writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane