

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

940 WRIT PETITION NO.6291 OF 2022

**DATTA KISAN KAPSE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

Mr. Rajendrakumar D. Bhalerao, Advocate for the petitioner
Mr. S. G. Karlekar, AGP for the respondents/State

**CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.**

DATE : 21st June, 2022

P. C.

1. Heard the learned advocate for the petitioner and the learned AGP on behalf of the respondents/State.

2. The petitioner has putforth prayer clause 'C' as under:-

“C) By issuing an appropriate writ, order or directions in the like nature, the respondent may kindly be directed to regularize the services of petitioner as he had already completed more than continuous Ten years of services as a “Secondary Ashram School Teacher” in the “Government Aided Post Basis Primary & Secondary

Ashram School, Kelikotul, Tq. Akole, Dist Ahmednagar”, as early as possible and within a stipulated period of time.”

3. In identical circumstances, this court had delivered a judgment on 31-10-2018 in writ petition No.5867/2015 and connected matters directing such employees to be regularized as they are working in tribal areas for more than ten years.

4. In the light of the judgment, this court has passed a short order on 05-03-2020 in writ petition No. 9213/2019 filed by Lahu Anaji Pichad Vs State of Maharashtra and others alongwith connected matters as under:-

“1. The petitioners claim to be working as Assistant Teachers in the Post Basic Ashram Schools at Pimparkhane, Shirpunje, Taluka Akole, Dist. Ahmednagar since 2009. The petitioners seek regularisation of service. The petitioners rely on the judgment of this court in Writ Petition No. 5867/2015 with connected Writ Petitions, decided under judgment and order dated 31-10-2018.

2. The factual matrix does not appear to be disputed. The Ashram Schools are run under the Tribal

Development Department in a tribal area. The petitioners completed ten years and more service. We had, in our judgment dated 31-10-2018 in Writ Petition No. 5867/2015 and connected Writ Petitions considered the plight of these persons working in tribal areas and granted them regularisation.

3. For the reasons recorded in the judgment and order dated 30-10-2018 in Writ Petition No. 5867/2015 and connected Writ Petitions, we allow the Writ Petitions and pass the following order:

ORDER

(I) The respondents shall regularise the services of the petitioners with effect, from the date the petitioners have completed ten years of service or on the date of filing of the writ petition, whichever is later.

(II) For all practical purposes, the services of the petitioners shall be considered regular from the date, as observed above. The petitioners will not be entitled for actual financial benefits for the period prior to the present order. The petitioner would be entitled for regular pay-scale from the date of filing of petitions i.e. 22-07-2019, 04-09-2019, 09-09-2019, 09-10-2019 and 02-05-2019 respectively.

4. Writ Petitions accordingly disposed of. No costs.”

5. In view of the above, this petition is disposed off with

the following order:-

ORDER

(I) The respondents shall regularise the services of the petitioners with effect from the date the petitioner has completed ten years of service or on the date of filing of the writ petition, whichever is later.

(II) For all practical purposes, the services of the petitioner shall be considered regular from the date, as observed above.

(III) The petitioner will not be entitled for actual financial benefits for the period prior to the present order.

(IV) The petitioner would be entitled for regular pay-scale from the date of the filing of the petition i.e. 21-04-2020.

[ANIL L. PANSARE, J.]

[RAVINDRA V. GHUGE, J.]