

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

**1065 CONT. PETITION NO.327 OF 2022
IN WP/3123/2019 WITH CP/328/2022 IN WP/1184/2021 WITH
CP/329/2022 IN WP/1159/2021 WITH CP/238/2019 IN WP/7351/2012
WITH CP/388/2019 IN WP/5867/2015 WITH CP/332/2022 IN
WP/1165/2021 WITH CP/334/2022 IN WP/3141/2019 WITH CP/333/2022
IN WP/1157/2021**

**RAKESH VASANT VASAVE AND ANOTHER
VERSUS
ANUP KUMAR YADAV SECRETARY AND OTHERS**

Mr.N.L. Choudhari and Mr.U.R. Avate h/f. Talekar & Associates, Advocate for the respective petitioners.

Mr.S.G. Sangle, AGP for the respondent/State.

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

DATED : 01.07.2022

PC :-

01. The learned Advocate for the respective sides are united in submitting that Contempt Petition No.238 of 2019 and Contempt Petition No.388 of 2019 can be disposed of in the light of the fact that the respondent authorities have concluded the verification exercise and have also issued a Government Resolution dated 12.04.2022. The petitioners in both these petitions are found to be eligible. They would, thus, be given the benefits of the judgment of this Court dated 31.10.2018.

02. The learned AGP submits that there is a little confusion in the minds of the respondents as to which is the date from which the monetary benefits should be actually given and from which date these petitioners should be regularized. We do not find that there is any reason for the said confusion. Paragraph Nos.14 and 15 of the said judgment guide the respondents in their verification exercise. Insofar as regular pay-scale is concerned, the petitioners would be entitled from 10.11.2018. The period of computing 10 years and the date from which 10 years have to be reckoned with is also set out in paragraph 21(i).

03. In view of the above and in the light of the Government Resolution dated 12.04.2022, the learned Advocate for the petitioners submits that these two petitions can be disposed off. Accordingly, Contempt Petition No.238 of 2019 and Contempt Petition No.388 of 2019 are **DISPOSED OFF**.

04. The learned AGP submits, on instructions, that within a period of two weeks, the regularization orders would be issued in pursuance of the above stated Government Resolution. We take it that this exercise would be completed by 15th July, 2022.

05. Insofar as Contempt Petition Nos. 304, 316, 324, 327, 328, 329, 332, 333, 334, 353 of 2022 are concerned, in all these petitions, the petitioners are before us, aggrieved by the fact that the order at issue has not been complied with.

05. The learned AGP submits that the respondents have initiated a verification exercise in the light of the judgment of this Court. The said exercise would be based on the same analogy/principle that has been applied to the similar petitioners in Contempt Petition Nos.238 and 388 of 2019. All those, who would be eligible and would clear the test of completion of ten years, in the light of paragraph Nos.14 and 15 of the said judgment, would be declared as eligible. A Government Resolution on the lines of the one dated 12.04.2022 would then be issued.

06. The learned Advocate for the petitioners are justified in contending that as the Contempt Petitions have their own limitation, they need to know the reasons, if any, holding them to be ineligible. Based on the reasons of their ineligibility, they would be preferring an appropriate writ

petition before this Court for challenging the grounds/reasons, on the basis of which, they have been declared ineligible.

07. The learned AGP submits, on instructions, that the respondents are praying for six months' time. We do not find it appropriate to grant so much time in the light of the fact that the judgment on the issue were assailed by the respondents before the Hon'ble Supreme Court and by an order dated 20.08.2020, Special Leave Petition (Civil) No.12338 of 2020 has been dismissed. Further directions were issued in the said order by the Hon'ble Apex Court, vide which, the State is directed to regularize the services of the respondents within three months from the date of the order. As such, the State was expected to regularize the services of these petitioners by 20th November, 2020.

08. In view of above, these petitions are disposed off with the following directions :-

- a) We grant only 10 (ten) weeks' time, meaning thereby, the State would complete the entire exercise of verification by 15th September, 2022, on the lines on which the verification exercise

was conducted for the petitioners in Contempt Petition No.238 and 388 of 2019.

b) Those who are held to be eligible, would be included in the Government Resolution to be issued within 21 days after 15th September, 2022, on the lines of the Government Resolution dated 12.04.2022. Within 21 days thereafter the eligible candidates would be regularized.

c) Those candidates/petitioners who are held to be ineligible, would be intimated by the State through an individual communication, setting out reasons on the basis of which they are held to be ineligible.

d) The said communication would be issued to them within 15 days after 15th September, 2022 i.e. by 30th September, 2022.

e) The aggrieved petitioners/candidates would be at liberty to avail of a remedy, as may be, permissible in law for seeking redressal of their grievance against their being declared ineligible.

[ANIL L. PANSARE,J.]

[RAVINDRA V. GHUGE,J.]