

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1007 WRIT PETITION NO.7865 OF 2022

PREMSING BABUSING PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

...

Advocate for Petitioners : Mr. U. R. Avate h/f Talekar And Associates
AGP for Respondents-State : Mr. P. K. Lakhotiya

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WITH
1008 WRIT PETITION NO.6403 OF 2022

DINESH TUKARAM MORE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL SECRETARY
AND OTHERS

...

Advocate for Petitioners : Mr. U. R. Avate h/f Talekar And Associates
AGP for Respondents-State : Mr. P. K. Lakhotiya

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CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.

DATE : 29th July, 2022

PER COURT :

1. We have considered the submissions of the learned Counsel for the respective sides.
2. There is no dispute that the Judgment delivered in ***Madhukar***

s/o Bhavanrao Sadgir and others Vs. State of Maharashtra and others, 2019 (2) Mh.L.J. 119, covers all these petitioners and the competent authority can be directed to consider, whether they have completed ten years of service as on date and as a one time measure, keeping in view the law laid down by the Hon'ble Supreme Court in **Secretary, State of Karnataka and others Vs. Umadevi and others, (2006) 4 SCC 1**, and whether regularization can be granted.

3. In view of the undisputed position on facts as well as law, both these petitions are disposed off with the following directions :-

(A) Respondent Nos.2 and 3 shall regularize the services of the petitioners who have completed ten years continuous service from the date of their joining, till the date of reference which is the date of the passing of this order.

(B) Those petitioners who are terminated after completion of ten years of service during the pendency of the writ petition shall be reinstated and shall be granted regularization from the date they have filed the petition or after completion of ten years of service, whichever is later.

(C) For all practical purposes the services of the petitioners shall be considered regular from the date as observed above. However, we may not grant them actual financial benefit for the period prior to the present order. They will be entitled for the regular pay scale from the date of this order.

(D) The respondents shall count the services of the petitioners from their date of appointment, continuously, for computing ten years of their service.

(E) The primary teachers governed by the Right of Children to Free and Compulsory Education Act shall acquire the TET qualification within a period of five (05) years.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

vjg/-.