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

WRIT PETITION NO.7493 OF 2022

**SMT. SONABAI SAKHARAM GAMBHIRE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Mr R. D. Bhalerao, Advocate for petitioner;
Mr S. G. Sangle, A.G.P. for respondents/State

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

DATE : 20th July, 2022

PER COURT:

1. The petitioner has put forth prayer clause (C), which reads 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 she had already completed more than continuous Ten years of services as a “Secondary Ashram School Teacher” in the “Government Aided Post Basic Primary & Secondary Ashram School, Palsunde Tq. Akole, District-Ahmednagar as early as possible and within a stipulated period of time.”

2. Issue notice to the respondents, returnable forthwith. The learned A.G.P. waives service of notice on behalf of all the respondents and opposes the petition.

3. In Writ Petition No.9213/2019, filed by Lahu Anaji Pichad Vs. State of Maharashtra and others with connected matters, this Court had passed a short order on 05/03/2020, which reads as under :-

“1. The petitioners claim to be working as Assistant Teachers in the Post Basic Ashram Schools at Pimparkane, Shirpunje, Taluka Akole, District Ahmednagar since 2009. The petitioners seek regularisation of service. The petitioners rely on the judgment of this Court in Writ Petition No.5867 of 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 of 2015 and connected Writ Petitions considered the plight of these persons working in tribal areas and granted them regularisation.

3. For the reason recorded in the judgment and order dated 30.10.2018 in Writ Petition No.5867 of 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

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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. 22.7.2019, 4.9.2019, 9.9.2019, 9.10.2019 and 2.5.2019, respectively.

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

4. Considering the above and as the case of Datta Kisan Kapse Vs. State of Maharashtra and others, Writ Petition No.6291/2022, was an identical matter, we had passed an order below paragraph No.5, which reads as under :-

“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 filing of the petition, i.e. 21-04-2020”.

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5. In view of the above, this petition is disposed off with the following directions :-

(a) The respondents shall regularise the services of the petitioner 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.

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

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

(d) The petitioner would be entitled for regular pay-scale from the date of filing of the petition, which is 30/06/2022.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)

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