

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7755 OF 2021

Priyanka Shivram Dhobale & Ors. ... **Petitioners**
Versus
The State of Maharashtra & Ors. ... **Respondents**

WITH
WRIT PETITION NO. 8721 OF 2021

Vishnu s/o. Dattatraya Thite & Ors. ... **Petitioners**
Versus
The State of Maharashtra & Ors. ... **Respondents**

WITH
WRIT PETITION (ST) NO. 765 OF 2022

Sandip s/o Bhimrao Patil & Ors. ... **Petitioners**
Versus
The State of Maharashtra & Ors. ... **Respondents**

WITH
WRIT PETITION (ST) NO. 7808 OF 2022

Heena Bhauso Divekar & Ors. ... **Petitioners**
Versus
The State of Maharashtra & Ors. ... **Respondents**

Mr. P. R. Katneshwarkar a/w. Mr. Ketan D. Pote h/f. Mr. Arvind G. Ambetkar, Advocate for the Petitioner.

Mr. V. M. Mali, AGP for the Respondents/State.

Mr. Narendra Bandiwadekar i/b. Mr. Milind Deshmukh, Advocate for the Respondent No.10/Rayat Shikshan Sanstha.

**CORAM: S.V. GANGAPURWALA &
S. M. MODAK, JJ.**

DATED : JUNE 20, 2022

P.C.

1. The connected two writ petitions bearing Writ Petition (St.) No. 765 of 2022 and Writ Petition (St.) No. 7808 of 2022 are not on board. Upon mentioning taken on board.
2. The petitioners were in service of respondent No.5 either on clock hour basis and/or adhoc/temporary basis.
3. Mr. Kanteshwarkar, learned Advocate for the petitioners strenuously contends that the petitioners are working with the respondent since the year 2009. They are required to be regularized in service. Time and again appointment orders were issued to the petitioners. The learned Counsel for the petitioners submits that the respondent No.5 has indulged in discrimination in as much as respondent No.5 has entered into compromise with some of the persons who had filed writ petition No.2549 of 2018 with other connected writ petitions. The learned Counsel submits that these petitioners were not in service in the year 2016-2017. However, many of the present petitioners were senior to those who were petitioners with whom the respondent No.5 entered in settlement/ consent terms. The learned Counsel submits that the seniority list was to be prepared by respondent No.5 of those who were in service since the academic year 1990 to academic year 2016-2017. The petitioners' names also are required to be included in seniority list. The petitioners may not be discriminated.
4. Mr. Bandiwadekar, learned Counsel for the respondent No.5 submits that in the year 2016-2017 Pavitra Portal was introduced, those petitioners were in service in the year 2016-17 and that the consent terms were arrived at.

According to the learned Counsel, the petitioners were not in service in the year 2016-17 and if any appointment is to be made, the same has to be made through Pavitra Portal since the year 2017.

5. We have considered the submissions.

6. It is not disputed that all the petitioners were not employed with the respondent No.5 in the year 2016-2017. At the relevant time, the petitioners did not approach the Court. Some of the persons who were not in service 2016-2017 approached this Court by filing writ petition. With them the Management entered into a compromise and consent terms were incorporated. Paragraph 3 of the consent terms reads as under :

“3. After the Petitioners would be reinstated as mentioned herein above, the Respondent - Management shall prepare a combined list of all the Petitioners, working on temporary and Clock House Basis. The said combined seniority list shall also include the name of other Teachers, who have not filed similar Writ Petitions in this Hon'ble Court against the Management, but who were in service under the Respondent - Management till the Academic Year 2016-2017. The seniority of the Petitioners shall be on the basis of the date of their initial appointment under the Respondent - Management. Such a seniority list shall be prepared by the Respondent - Management within a period of 6 weeks from today and thereafter the same shall be published on the website of the Management and it shall also be circulated amongst all the Petitioners for verification and confirmation, and the Petitioners shall sign the said combined seniority list in token of having accepted the same within a period of 15 days.

After the Petitioners would be reinstated as mentioned herein above, the Respondent No.3 shall prepare a combine seniority list from A.Y. 1990 to A.Y. 2016-2017 of all the Petitioners as well as of those Teachers who have not filed the Writ Petitions, but who were actually in service in the A.R. 2016-2017.”

7. As per the consent terms, the Management agreed to

prepare combined seniority list including the names of teachers who had not filed similar writ petitions and who were in service of respondent No.5 in the year 2016-2017 and those petitioners, who were in service in the year 2016-2017 were required to be reinstated. The petitioners if had approached this Court at the relevant time some orders could have been passed. As the petitioners were not in service in the year 2016-17, the orders of regularizing cannot be passed in favour of the petitioners.

8. We asked the learned Counsel for the petitioners as to whether these petitioners' names are entered in Pavitra Portal. The learned Counsel, on instructions, submits that the name of the petitioners do not appear in the Pavitra Portal

9. In light of the above, we cannot come to the aid of the petitioners.

10. Writ petitions, as such, are disposed of. No. costs.

(S. M. MODAK, J.)

(S.V. GANGAPURWALA, J.)