

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5620 OF 2021

Bapu Shivaji Gaikwad ...Petitioner
vs.

The State of Maharashtra
Through Its Secretary,
Tribal Development Department and Ors. ...Respondents

Mr. Vivek V. Salunke and N. L. Chaudhari - Advocate for the Petitioner
Smt. S. S. Bhende - AGP for the Respondent-State

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

DATE : 29th JULY, 2022

P. C. :-

1. Learned counsel for the Petitioner submits that the Petitioner has completed 10 years of service as Cook in Ashram school and the Petitioner seeks regularization in the service.
2. At the request of the Petitioner leave to add school as a party is granted.
3. Smt. S. S. Bhende, learned AGP waives notice for added party.
4. The said issue is no longer res-judicata. Reference can be made to the judgment of this Court in Writ Petition No. 5867 of 2015 with connected Writ Petitions decided under the judgment and Order dated 31/10/2018. It is submitted by the learned counsel for the Petitioner that

the said judgment is also confirmed by the Apex Court.

5. In light of that and for the reasons recorded in the judgment delivered in Writ Petition No. 5867 of 2015 dated 31/10/2018, we follow the same course and pass similar Order.

ORDER

- (I) The respondents shall regularize the services of the petitioners who have completed ten years of service with effect from the date they have completed ten years or the date of filing of writ petition whichever is later.
 - (ii) 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.
 - (iii) 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 01.11.2018.
 - (iv) The respondents shall count the services of the petitioners from their date of appointment continuously for counting ten years of their service.
6. Writ Petition is disposed of. No costs.

[S. M. MODAK, J.]

[S.V. GANGAPURWALA, J.]