

**BASAVRAJ
GURAPPA
PATIL**

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

WRIT PETITION NO. 5486 OF 2012

Adivasi Vikas Chaturthashreni
Karmachari Santhatana, Kalwan

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. Balkrishna Katkade with Mr. Sagar Kasar for the Petitioner
Mrs. M. P. Thakur, AGP for the State

**CORAM: S.V.GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : AUGUST 22, 2022

P.C.

1 The petition is filed on behalf of the members. A list is given at Exhibit-A. Amendment has been made. About 8 or 9 names are deleted from that list.

2 It is submitted that the members as detailed on page 8, after amendment, are all working on non teaching posts.

3 We have heard the learned Counsel for the Petitioner and the learned A.G.P.

4 It is not disputed by the Respondents that the Petitioners are similarly situated as the Petitioner in Writ Petition No.5867 of 2015

and connected Writ Petitions decided at Aurangabad Bench and reported in 2019 (2) Mh.L.J.119. SLP filed by the State against the said judgment is dismissed. We are informed that the State had filed Review Petition seeking review of the order passed in SLP. The Review Petition is also dismissed on 08.07.2021. The Petitioners herein are part of the teaching and non teaching staff. It is not disputed that these persons have worked for more than 10 years continuously on their posts.

5 In light of that and for the reasons recorded in the judgment in the case of *Madhukar s/o Bhavranrao Sadgir vs. State of Maharashtra reported in 2019 Mh.L.J. 119*, we follow the same course and pass the following 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 01.01.2018.

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

6 The Writ Petition is disposed of.

(MADHAV J. JAMDAR, J.)

(S.V. GANGAPURWALA, J.)