

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

WRIT PETITION NO. 9813 OF 2016

Smt. Seeta Angadrao Hande } and Anr. }	}	Petitioners
versus		
The State of Maharashtra } and Ors. }	}	Respondents

Mr. Laxman S. Deshmukh for the petitioners.

Mr. B. V. Samant-AGP for State.

**CORAM: DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE: MARCH 16, 2022

P.C.:

1. The issue involved in this writ petition is no longer *res integra*. A coordinate Bench of this Court, of which one of us (Chief Justice) was a member, has decided Writ Petition No. 2002 of 2019 (**Lata Shyamrao Sangolkar vs. the State of Maharashtra and Ors.**) on 4th March 2021, which the State has accepted. This has resulted in offering appointment to the petitioner Lata Shyamrao Sangolkar on 26th April 2021.

2. Since Mr. Samant, learned AGP for the State very fairly submits that the issue raised in this writ petition is covered by the judgment in **Lata Shyamrao Sangolkar** (supra) and that an appropriate vacancy is available where this petitioner can be accommodated, we are inclined to dispose of this writ petition with similar directions as contained in paragraph 13 thereof which read as follows: -

"13. *** The writ petition stands allowed with the following directions: -

- (a) The petitioner shall be entitled to appointment as Jailor-Grade II in the post kept vacant pursuant to the interim order passed on this writ petition on 21st February 2019, or any other vacant post, immediately but not later than a fortnight from date upon compliance of all formalities;
- (b) If the petitioner successfully completes the period of probation, she shall be confirmed in service;
- (c) Although the petitioner's appointment shall be prospective, she shall have the benefit of notional appointment on and from the date whosoever amongst the respondents 2 to 7 was appointed first, and such notional appointment shall be counted for the purpose of the petitioner's retiral benefits, should she be confirmed in service; and
- (d) Apart from retiral benefits on the basis of the aforesaid clause, the petitioner shall not be entitled to any other benefits, including seniority."

3. We, accordingly, dispose of this writ petition with a direction that the operative directions extracted above shall apply *mutatis mutandis* insofar as the petitioner in this writ petition is concerned.

4. In the result, the order of the Tribunal under challenge is set aside. The writ petition stands disposed of. No costs.

SALUNKE
JV

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by SALUNKE JV
Date: 2022.03.16
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(M. S. KARNIK, J.)

(CHIEF JUSTICE)