

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10794 OF 2022

Rajendra Balu Chaudhari & Ors.

..... Petitioners

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. Vivek V. Salunke with Mr. N. L. Chaudhari for the Petitioners
Ms. S. S. Bhende, AGP for the State

CORAM: S.V.GANGAPURWALA &
R.N. LADDHA, JJ.

DATED : SEPTEMBER 15, 2022

P.C.

1 Rule.

Rule is made returnable forthwith.

By consent of the parties, the petition is taken up for final disposal.

2 The learned Counsel for the Petitioners submits that all these Petitioners are teaching and non teaching members of the Ashram School under the Tribal Development Department. The learned Counsel for the Petitioners submits that the Petitioners have completed more than 10 years of service and are seeking regularization. Reliance is placed on the Division Bench judgment of this Court in case of *Madhukar Bhavanrao Sadgir & Ors. Vs.*

State of Maharashtra & Ors. in Writ Petition No.5867 of 2022
along with connected Writ Petitions, ***dated 31st October 2018.***

3 We have also heard the learned AGP.

4 It appears that there is no dispute that the Petitioners are similarly situated persons as that of in Writ Petition No.5867 of 2015 decided on 31st October 2018.

5 The said judgment is also confirmed by the Supreme Court with a further condition that the teachers should get their TET qualification within five years. Said order was passed almost two years back.

6 In light of that, we follow the same course and pass the following order:

a. 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.

b. 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.

- c. 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.
- d. The Respondents shall count the services of the Petitioners from their date of appointment continuously for counting ten years of their service.
- e. The Petitioners, who are teachers, shall get their TET qualification within three years from today.
- f. Rule is made absolute in the aforesaid terms.
- g. The Writ Petition is disposed of. No costs.

(R.N. LADDHA,J.)

(S.V. GANGAPURWALA, J.)