

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 2783/2021

Ramesh s/o Jangu Kulsange,
Aged: 45 years, Occu. Service,
r/o Devhada Tah. Rajura, Distt. Chandrapur.

PETITIONER

.....VERSUS.....

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Adivasi Bhavan, Old Agra Road, Nashik,
Dist. Nashik.
2. The Commissioner,
Tribal Development Department,
Adivasi Bhavan, Old Agra Road, Nashik,
Dist. Nashik.
3. The Assistant Commissioner,
Tribal Development Department,
Nagpur Division, Nagpur, Dist. Nagpur.
4. The Project Officer,
Integrated Tribal Development Project,
Chandrapur, Dist. Chandrapur.

RESPONDENTS

Shri S.A. Chaudhari, counsel for the petitioner.
Shri D.P. Thakare, Additional Government Pleader for the respondents.

WITH
WRIT PETITION NO. 2880/2021

1. Ravi Shamrao Zade,
Age: 33 years, Occ.: Service,
At Katepalli, Post Devalmari,
Tq. Aheri, Dist. Gadchiroli.
2. Shankar Masa Madavi,
Age: 38 years, Occ.: Service,
At post Zinganoor, Tq. Sironcha, Dist. Gadchiroli.
3. Dhanraj Rajaram Kumre,
Age: 34 years, Occ.: Service,
At Dechali, Post Dechalipetha,
Tq. Aheri, Dist. Gadchiroli.

4. Satyanarayana Marayya Ganrfwar,
Age: 36 years, Occ.: Service,
At post Zinganoor, Tq. Sironcha, Dist. Gadchiroli.

PETITIONERS

.....VERSUS.....

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. The Commissioner,
Tribal Development Department,
Adivasi Bhavan, Old Agra Road, Nashik,
Dist. Nashik.
3. The Assistant Commissioner,
Tribal Development Department,
Nagpur Division, Nagpur, Dist. Nagpur.
4. The Project Officer,
Integrated Tribal Development Project,
Aheri, Tq. Aheri, Dist. Gadchiroli.

RESPONDENTS

Shri N.L. Chaudhari, counsel for the petitioners.
Shri D.P. Thakare, Additional Government Pleader for the respondents.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.
DATE : 20TH JUNE, 2022.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

Writ Petition No.2783 of 2021 is not on Board. It is mentioned as similar issues as are arising in Writ Petition No.2880 of 2021 arise therein. It is accordingly taken on board for disposal.

2. **RULE.** Rule made returnable forthwith and heard the learned counsel for the parties.

3. The learned counsel for the petitioners submits that each petitioner has completed ten years of service since the initial date of appointment and hence in view of the decision of this Court at Aurangabad Bench in **Writ Petition No.5867 of 2015** (*Madhukar Bhavanrao Sadgir & Others Versus The State of Maharashtra & Others*) dated 31.10.2018, the petitioners are entitled for an order of regularization of their services. He further submits that after referring to the aforesaid decision this Court in Writ Petition No.1344 of 2019 (*Naresh Nanaji Thakare Versus The State of Maharashtra & Others*) dated 04.03.2021 has issued similar directions. It is therefore prayed that the petitioners be granted similar relief.

Shri D.P. Thakare, learned Additional Government Pleader for the respondents seeks time to verify the facts of the case.

4. In the light of the decisions referred to hereinabove, find that the respondent no.4 can be directed to verify the case of each of the petitioners and if it is found that each petitioner has completed ten years of service, identical relief can be granted to them.

5. Hence for the reasons contained in the decision of this Court in *Madhukar Bhavanrao Sadgir & Others* (supra), the following order is passed:-

- (I) The respondent no.4 shall examine the case of each of the petitioners to verify whether each petitioner has completed ten years of service.
- (II) Thereafter 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 writ petition, whichever is later.
- (III) The petitioners who have completed ten years for all practical purposes, their service shall be considered regular from the date mentioned in Clause (II) above. However, it is made clear that the petitioners would not be entitled to actual financial benefit for the period prior to the date of this order except the honorarium which was already paid all these years to the petitioner. They will be however entitled for the regular pay-scale from the date of this order.
- (IV) The respondents shall count the service of the petitioners from the date of appointment continuously for counting ten years of their service.
- (V) It is made clear that the petitioners who were appointed and are regularized as Primary Teacher as the case may be shall complete Teacher Eligibility Test (TET) qualification within a period of five years from today and in case of default in completing the said qualification within time prescribed in this order, the State Government in that event shall be empowered to terminate their services on that ground.
- (VI) The respondents shall implement this order with a view to regularize the services of the petitioners within three months

from today.

6. Rule is made absolute in aforesaid terms. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S. CHANDURKAR, J.)

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