

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO.2814 OF 2023

REKHA NARAYAN PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

.....
Advocate for Petitioners : Mr. G.J. Karne
AGP for Respondents: Mr. S. G. Karlekar
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 23rd MARCH, 2023.**

PER COURT :-

1. The Petitioners claim that they put in 15 years of service and are, therefore, squarely covered by the judgment delivered by this Court dated 31.10.2018, in Writ Petition No. 5867 of 2015 (*Madhukar Bhavanrao Sadgir and other vs. the State of Maharashtra and others*).

2. The learned A.G.P. is right in submitting that the Petitioners' case will have to be scrutinized strictly in the light of the judgment in *Madhukar Bhavanrao Sadgir and others (supra)* and the directions issued by this court below paragraphs 21 and 22, will have to be applied to their case.

3. It is apparent from the law laid down and it calls for no debate that an appointee can be regularized on a post which is

sanctioned and vacant. Regularization can never occur on a non-existing post.

4. As such, this Petition is disposed off. The case of the Petitioners would be considered by the competent authorities in the light of the judgment delivered in ***Madhukar Bhavanrao Sadgir and others (supra)*** and depending upon the availability of permanent vacant posts.

5. Needless to state, those who have not completed 10 years and are not eligible in view of the ***Madhukar Bhavanrao Sadgir and others (supra)***, such cases would not be considered, as long as they do not complete 10 years of service.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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