

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.567 OF 2021

1. Sakharam S/o Pandurang Jagtap
Age: 46 years, Occu: Service,
R/o. Khadakwadi, Post: Nirgudi,
Tq. Patoda, Dist. Beed
2. Balaprasad s/o Bhagwandas Vaishnav
Age: 49 years, Occu: Service,
R/o. Eknath Nagar, Bhakti Construction,
Beed, Tq. & Dist. Beed
3. Shaikh Jahir Usman
Age: 50 years, Occu: Service,
R/o Behind Mane Petrol Pump,
Champavati Nagar, Hajira Manzil,
Barshi Road, Beed, Tq. And Dist. Beed ... **PETITIONERS**

VERSUS

1. The State of Maharashtra
Through Secretary,
Skilled Development Department,
Mantralaya, Mumbai – 32
2. The Joint Director,
Vocational Education and Training
Regional Office, Bhadkal Gate,
Aurangabad, Tq. & Dist. Aurangabad ... **RESPONDENTS**

....

Mr. D. A. Karnik, Advocate h/f Mr. Vivek Dhage, Advocate for
Petitioners

Mr. S. K. Tambe, AGP for Respondent Nos. 1 and 2 – State

....

**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 28.11.2023

ORAL JUDGMENT (Per: Ravindra V. Ghuge, J.) :-

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The Petitioner No.1 was before the learned Maharashtra Administrative Tribunal in O.A. No.781 of 1999. By a common order dated 04.09.2009 passed by the learned Tribunal, the order of the Deputy Director, Aurangabad dated 27.01.2000, based on the General Administration Department's Resolution dated 08.03.1999, was considered and the Original Applications were disposed off as infructuous. The statement that the Petitioner was absorbed / regularised in service, was accepted.

3. The Petitioner Nos. 2 and 3 have never approached the learned Tribunal and have approached this Court, along with Petitioner No.1, without there being any order passed by the learned Tribunal in their favour, since they were never before the learned Tribunal.

4. We, therefore, grant liberty to Petitioner Nos. 2 and 3 to approach the learned Tribunal for seeking similar reliefs and therefore, their names stand deleted from this Petition.

5. The sole Petitioner's prayer before this Court is that the regularisation of service should be w.e.f. 08.03.1999 and not 13.12.1999.

6. We find that this issue is no longer *res-integra* in the light of the judgment delivered by this Court dated 29.06.2017 (Coram: Anoop V. Mohta and Sunil K. Kotwal, JJ.) in Writ Petition No. 4519 of 2016, filed at Aurangabad, thereby concluding that the date of regularisation of such employee should be 08.03.1999.

7. In view of the above, **this Petition is allowed.** The date of regularisation of the Petitioner Sakharam Pandurang Jagtap shall be deemed to be 08.03.1999. Rule is made absolute, accordingly.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS