

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

931 WRIT PETITION NO.10857 OF 2023

NITA NANSING NAIK
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND

932 WRIT PETITION NO.10858 OF 2023

SANGITA SHANKAR VALVI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND

933 WRIT PETITION NO.10859 OF 2023

VARSHARANI SHAMRAO GAVIT
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND

934 WRIT PETITION NO.10860 OF 2023

RAJANEE MAGAN VALVI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND

935 WRIT PETITION NO.10861 OF 2023

ANITA MALSING VALVI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

(2)

931 wp 10857.23

AND

936 WRIT PETITION NO.10863 OF 2023

VIMAL KALU VASAVE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND

937 WRIT PETITION NO.10864 OF 2023

MADHURI SUHAS VALVI

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND

938 WRIT PETITION NO.10865 OF 2023

NIRMALA LAGANU PAWAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND

939 WRIT PETITION NO.10866 OF 2023

SARALA KANTILAL VASAVE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND

940 WRIT PETITION NO.10867 OF 2023

PAURNIMA KEVAJI VALVI

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND

941 WRIT PETITION NO.10868 OF 2023

VAISHALI GANESH VASAVE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND
942 WRIT PETITION NO.10869 OF 2023

DEEPMALA SATISH VALVI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND
943 WRIT PETITION NO.10871 OF 2023

MALTI SEDA PAWARA
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND
944 WRIT PETITION NO.10872 OF 2023

SANDHYA SEGAJI VALVI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND
945 WRIT PETITION NO.10873 OF 2023

PRAMILA UKHA PENDHARKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND
946 WRIT PETITION NO.10874 OF 2023

LATABAI BHIMSING BHAMRE

VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND
947 WRIT PETITION NO.10875 OF 2023

AVANTI MAKADYA GAVALI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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Advocate for Petitioners : Mr. Reddy Ajinkya
AGPs for Respondents/State : S/S Shri A.V. Deshmukh, S.K. Tambe,
S.G. Karlekar, V.M. Kagne & P.K. Lakhotiya
Advocate for UOI/Respondents : Mr. A.G. Talhar, DSGI
a/w. B.M. Dhanure, D.B. Gaikwad
Advocate for Respondent No. 7 - Z.P : Mr. P.S. Patil

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**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRADE, JJ.**
DATE : 31st August, 2023

PC. :-

1. In all these Writ Petitions, leave to correct the description of Respondent No.4. In Writ Petition No.10861/2023, leave to correct the husband's name as 'Mansing'. Corrections be carried out forthwith.
2. In all these petitions, deficit Court fees of Rs.125/- shall be cleared within 5 days.
3. The learned Standing Counsels for the Union of India appear and waive service of notice on behalf of Respondent Nos.2 and 5. The learned

advocate waives service of notice on behalf of Respondent No.3-Zilla Parishad Nandurbar. The learned AGPs waive service of notice on behalf of Respondent Nos.1 and 3.

4. In identical set of circumstances, this Court has delivered an order, issuing certain directions to the authorities. All these Petitioners are working as Auxiliary Nurse Midwife (ANM). All of them are working on contractual basis with tenures of 11 months each and are paid honorarium of Rs.21,000/- per month. No allowances are payable to them. Their contractual services end by efflux of time. They have been granted continuation with artificial breaks in service and are working for more than 13 years.

5. Similarly situated petitioners had approached this Court in Writ Petition No.5252/2020 along with a large group of petitions, filed at Aurangabad, and by an order dated 24/11/2021, this Court concluded that, they cannot be granted regularization while working on a project with the Zilla Parishad. Each of these petitioners had accepted contractual service with eyes wide open and on consolidated payments.

6. We, therefore, find that, neither can we direct their regularization, nor could any such order be passed, for continuing them in service, in the light of the judgment in **Secretary, State of Karnataka and others v/s Umadevi (3) and others, (2006) 4 Supreme Court Cases 1.**

7. Since this Court observed in paragraph No.11 in it's aforesaid order dated 24/11/2021, the petitioners may approach the State Government with a request for regularization and the State Government would consider, whether their grievance could be redressed. The petitioners pray that this Court should also issue a similar order.

8. We find that the Hon'ble Apex Court has observed in **Secretary, State of Karnataka V/s Umadevi** (supra), that the appropriate authority may consider as a one time measure of granting regularization to such employees, who have completed more than 10 years. It calls for no debate that these petitioners cannot continue on contractual basis for their entire lifetime. Security of employment and pensionary and retiral benefits are inherently vital and decisive aspects, which enable a human being to live a life with dignity and respect. It is undisputed that the project under which they were appointed on contractual basis still continues and is executed through the Zilla Parishads in this State and are funded by the Union of India under the National Health Mission.

9. In the aforesaid backdrop, **these petitions are disposed off**, with a direction to the Union of India and the State Government, to prepare a data of all such petitioners/employees, including those who have not approached the High Court or the Industrial Court, across the State of Maharashtra, and

consider whether the Union of India and the State Government can introduce a measure for considering the absorption of such employees, in the light of the law expressed by the Hon'ble Apex Court in **Secretary, State of Karnataka V/S Umadevi** (supra).

10. We make it clear that, we have not expressed any opinion on the merits of the claim of these petitioners and it is left to the Union of India and the State Government to take a decision, keeping in view that the petitioners are approaching the Courts for seeking relief after having worked for more than 10 years on contractual basis. We expect the Union of India and the State Government to collect such data within 120 days and take a policy decision as they may deem fit and appropriate, on or before 150 days.

11. Needless to state, if the proposals of these Petitioners are already considered in the light of our directions 20.06.2022 in Writ Petition No.2461/2022 and group of cases decided at Aurangabad, their cases will be considered in accordance with those proposals.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]