

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 580 OF 2023

Namrata Nilesh Bagwe

..... Petitioner

Vs.

State of Maharashtra and Ors.

..... Respondents

Mr.Yatin Malvankar for the Petitioner

Mr.Sandip D. Shinde for the Respondents

Mr.P.P.Kakade, G.P. a/w Mr.B.V.Samant, A.G.P. for the State

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : MARCH 21, 2023

P.C.

1. The Petitioner seeks regularization of services.
2. According to the learned Counsel for the Petitioner, the Petitioner is working since 8 $\frac{1}{2}$ years with the Respondent as a Staff Nurse on contract basis. There is no break in service. The Petitioner time and again preferred representation to the Respondents for regularization of her service but to no avail.
3. The learned counsel submits that the Petitioner possesses the necessary qualification and eligibility for the said post. The post on which the Petitioner is working is a substantive and a vacant post. The learned counsel submits that the Petitioner needs to be

absorbed.

4. The learned counsel relies upon the resolution of the Standing Committee dated 21.04.2017 recommending regularization of the Petitioner.

5. We have heard the learned Counsel for the Corporation.

6. The decision of regularization has to be taken by the State Government.

7. In the present matter, it will not be possible for us to consider the case of the Petitioner for regularization. Even in the case of Secretary, State of Karnataka and Ors. vs. Uma Devi & Others¹, the Apex Court directed the State Government and its instrumentalities to regularize the services as one-time measure of all those employees who had completed 10 years of service. The Petitioner has not yet completed 10 years of service.

8. Admittedly, the Petitioner is appointed on contractual basis.

9. At present, we cannot grant any relief to the Petitioner. In case some resolution of the standing committee is pending with the Government, the Corporation and the Petitioner may prosecute the said resolution with the Government.

1 (2006) 4 SCC 1

10. With these observations, Writ Petition is disposed of.

11. In case the Petitioner is not regularized in near future and continues his service on contract basis, then the Petitioner would be at liberty to move this court after he completes 10 years of service. Of course, the Petition would be decided on its own merits.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)