

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

WRIT PETITION NO. 4010 OF 2023

Poonam Ramsamuj Pal,
aged about 43 years, Occ. Service,
R/o C/o Rahul Nakhare,
Savlikheda, Ta. Dharni,
District – Amravati.

PETITIONER

.....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, District – Nashik.
3. The Assistant Commissioner,
Tribal Development Department,
Nagpur Division, Nagpur.
4. The Project Officer,
Tribal Integrity Development Project,
Dharni, District – Amravati.

RESPONDENTS

Shri N.L. Chaudhari, Advocate for the petitioner.
Shri A.S. Fulzele, Additional Government Pleader for the respondents.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : JULY 17, 2023

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

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

2] The learned counsel for the petitioner submits that the 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. 5867/2015 (Madhukar Bhavanrao Sadgir & Others Vs. The State of Maharashtra & Others)* dated 31/10/2018, the petitioner is entitled for an order of regularization of her services. He further submits that after referring to the aforesaid decision this Court in *Writ Petition No. 1344/2019 (Naresh Nanaji Thakare Vs. The State of Maharashtra & Others)* dated 4/3/2021 has issued similar directions. It is therefore prayed that the petitioner be granted similar relief.

Shri A.S. Fulzele, learned Additional Government Pleader for the respondents seeks time to verify the facts of the case.

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

4] 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 the petitioner to verify whether the petitioner has completed ten years of service.

(II) Thereafter the respondents shall regularize the services of the petitioner if she has completed ten years of service with effect from the date she has completed ten years or the date of filing writ petition, whichever is later.

(III) The service of the petitioner shall be considered regular from the date mentioned in Clause (II) above. However, it is made clear that the petitioner 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. She will be however entitled for the regular pay-scale from the date of this order.

(IV) The respondents shall count the service of the petitioner from the date of appointment continuously for counting ten years of her service.

(V) It is made clear that the petitioner 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 her services on that ground.

(VI) The respondents shall implement this order with a view to regularize the services of the petitioner within three months from today.

5] Rule is made absolute in the aforesaid terms. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S. CHANDURKAR, J.)

Sumit