

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

WRIT PETITION NO. 4688 OF 2022

- (1) Jagan S/o Laxman Darshimbe
Aged about 36 years, Occ: Teacher
R/o Village Bobdo, Tq. Dharni,
Dist. Amravati.
- (2) Dinesh S/o Rajaram Dahikar,
Aged about 34 years, Occ : Teacher
R/o Dharni, Tq. Dharni,
Dist. Amravati.
- (3) Ku. Kalpana D/o Narayan
Darshimbe, aged about 34 years,
Occ: Teacher, R/o Golkheda Bazar,
Tq. Dharni, Dist. Amravati.
- (4) Ku. Sangita D/o Tulsiram Uike,
aged about 41 years, Occ: Teacher,
R/o Kinh (Nanadpur) Tq. Kelapur,
Dist. Yavatmal.
- (5) Sunderlal S/o Ganaji Bethekar
Aged about 35 years, Occ: Teacher,
R/o Nanduri Tq. Dharni
Dist. Amravati.

..... **PETITIONERS**

...V E R S U S...

- (1) The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
- (2) The Commissioner,
Tribal Development Department,
Ground Floor, Adivasi Vikas
Bhavan, Gadkari Chowk, Old Agra
Road, Nashik – 422002.

(3) The Additional Commissioner,
Tribal Development Department,
Amravati Region, Tq. & Dist.
Amravati.

(4) The Project Officer, Integrated
Tribal Development Project,
Dharni, Tq. Dharni, Dist.
Amravati.

(5) The Project Officer,
Integrated Tribal Development
Project, Pandharkawada,
Tq. Kelapur, Dist. Yavatmal.

..... **RESPONDENTS**

Mr. J. Y. Ghurde, Advocate for the petitioners

Mr. M. K. Pathan, A.G.P. for the State/respondents

CORAM: **ROHIT B. DEO AND MRS. VRUSHALI V. JOSHI, JJ.**

DATE: **27th FEBRUARY, 2023.**

ORAL JUDGMENT : (PER ROHIT B. DEO, J.)

Rule. Rule made returnable forthwith. Heard finally
with consent of learned counsel appearing for the parties.

2. The petitioners claim regularization as Secondary
School Teachers at the Post Basic Government Ashram Schools.

3. The relief is sought in view of the decision rendered
by the coordinate Bench at Aurangabad in Writ Petition
5867/2015 (Annexure 'I').

4. It is common ground that the issue is covered by the said judgment. An additional affidavit dated 9-2-2023 is filed on behalf of the State, and we may extract the relevant portions.

“3. That the petitioner and the identically placed Assistant Teachers who were appointed to work in the post Ashram School on temporary basis in the circumstances that there was no other teachers who could be appointed in the far flung tribal areas, was under consideration of the Government. The State Government vide its order dated 6.2.2023 has now passed a Resolution thereby regularizing the services along with various other identically situated Assistant Teachers who were working in the Ashram Schools in the tribal areas.

4. Thus, it is pertinent to point out here that out of the five petitioners who have filed the present petition, four petitioners have completed 10 years of their services and would therefore be governed by the Judgment passed by the Hon’ble Aurangabad Bench in Writ Petition No. 5867/2015 Madhukar Sadgir Vs State of Maharashtra however the petitioner namely Kalpana Darshimbe had completed only 6 years of service in the tribal areas and as such her services could not be regularized. A copy of the Government Resolution 6.2.2023 is annexed herewith as Annexure R-1.

5. Thus, in view of the aforesaid submissions that the services of the petitioner nos. 1, 2, 4 & 5 are now regularized by the Government vide the aforesaid Government Resolution dated 6.2.2023, the grievance of the petitioner for regularization of their services in the said posts of Assistant Teacher working in the Post Basic Ashram School does not survive. The petition may therefore be disposed of accordingly.”

5. In view of the fair stand of the State, the grievance of the petitioners does not survive in so far as petitioners 1, 2, 4 and 5. In so far as petitioner 3 is concerned, she has not completed the period of 10 years as yet and, therefore, presently she is not entitled to claim regularization.

6. We are further informed that inadvertently, petitioner 4 is shown absorbed on the establishment of Project Office, Dharni while she ought to have been shown as absorbed at Project Office, Pandharkawada.

7. If an appropriate application is preferred by petitioner 4 for the correction in the Government Resolution, necessary clarification/order shall be issued within three weeks from the date of the application.

8. The petition stands disposed of in the aforesaid terms.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)

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