

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

**WRIT PETITION NO.5387 OF 2021**

Ramesh Savairao Jadhav  
Aged about 42 years,  
Occ: Service (District Organizer),  
R/o Pandharpurkar Niwas,  
Behind Shripad Hotel, Mangilal Plot,  
Amravati, Tq. & Dist. Amravati. .... **PETITIONER**

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

1. The State of Maharashtra, through its  
Secretary for Sports and Youth Welfare  
Department, Mantralaya, Mumbai-32.
2. The State Chief Commissioner,  
Maharashtra State, Bharat Scouts and  
Guide, Sports and Youth Welfare  
Directorate, Shiv Chatrapati Krida Pith,  
Mhalunge, Balewadi, Pune.
3. The State Secretary,  
Maharashtra State Bharat and Scouts Guides,  
79 M.F. Road, Marine Lines,  
Mumbai. .... **RESPONDENTS**

**WRIT PETITION NO.2074 OF 2022**

Satyashil Bhagwanrao Patil  
Aged about 38 years,  
Occ: Service (District Organizer),  
R/o 28-B, Vishvakarma Nagar, Nagpur,  
Tq. & Dist. Nagpur. .... **PETITIONER**

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

1. The State of Maharashtra, through its  
Secretary for Sports and Youth Welfare  
Department, Mantralaya, Mumbai-32.

2. The State Chief Commissioner,  
Maharashtra State, Bharat Scouts and  
Guide, Sports and Youth Welfare  
Directorate, Shiv Chatrapati Krida Pith,  
Mhalunge, Balewadi, Pune.
3. The State Secretary,  
Maharashtra State Bharat and Scouts Guides,  
79 M.F. Road, Marine Lines,  
Mumbai. .... **RESPONDENTS**

**WRIT PETITION NO.5469 OF 2021**

Gajanan Datta Gayakwad  
Aged about 38 years,  
Occ: Service (District Organizer),  
C/o Sanjay Iswarkar Sainath Society,  
Kale Layout, Yavatmal,  
Tq. & Dist. Yavatmal. .... **PETITIONER**

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

1. The State of Maharashtra, through its  
Secretary for Sports and Youth Welfare  
Department, Mantralaya, Mumbai-32.
2. The State Chief Commissioner,  
Maharashtra State, Bharat Scouts and  
Guide, Sports and Youth Welfare  
Directorate, Shiv Chatrapati Krida Pith,  
Mhalunge, Balewadi, Pune.
3. The State Secretary,  
Maharashtra State Bharat and Scouts Guides,  
79 M.F. Road, Marine Lines,  
Mumbai. .... **RESPONDENTS**

**WRIT PETITION NO.5468 OF 2021**

Rajesh Ramkrushna Gawande  
Aged about 38 years,  
Occ: Service (District Organizer),  
R/o C/o Vishal Ekade, Infront of Lila School,

Civil Lines, Washim,  
Tq. & Dist. Washim.

..... **PETITIONER**

**...VERSUS...**

1. The State of Maharashtra, through its Secretary for Sports and Youth Welfare Department, Mantralaya, Mumbai-32.
2. The State Chief Commissioner, Maharashtra State, Bharat Scouts and Guide, Sports and Youth Welfare Directorate, Shiv Chatrapati Krida Pith, Mhalunge, Balewadi, Pune.
3. The State Secretary, Maharashtra State Bharat and Scouts Guides, 79 M.F. Road, Marine Lines, Mumbai.

..... **RESPONDENTS**

**WRIT PETITION NO.5467 OF 2021**

Nitesh Nilkantha Zade  
Aged about 38 years,  
Occ: Service (District Organizer),  
R/o Nagar Parishad Layout,  
Behind Meher Baba Centre, Deoli,  
Tq. Deoli, Dist. Wardha.

..... **PETITIONER**

**...VERSUS...**

1. The State of Maharashtra, through its Secretary for Sports and Youth Welfare Department, Mantralaya, Mumbai-32.
2. The State Chief Commissioner, Maharashtra State, Bharat Scouts and Guide, Sports and Youth Welfare Directorate, Shiv Chatrapati Krida Pith, Mhalunge, Balewadi, Pune.
3. The State Secretary, Maharashtra State Bharat and Scouts Guides,

79 M.F. Road, Marine Lines,  
Mumbai.

..... **RESPONDENTS**

**WRIT PETITION NO.5465 OF 2021**

Kavita Sakruji Pawar,  
Aged about 39 years,  
Occ: Service (District Organizer),  
R/o Prajapati Nagar,  
Wadgaon Road, Yavatmal.

..... **PETITIONER**

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

1. The State of Maharashtra, through its  
Secretary for Sports and Youth Welfare  
Department, Mantralaya, Mumbai-32.
2. The State Chief Commissioner,  
Maharashtra State, Bharat Scouts and  
Guide, Sports and Youth Welfare  
Directorate, Shiv Chattrapati Krida Pith,  
Mhalunge, Balewadi, Pune.
3. The State Secretary,  
Maharashtra State Bharat and Scouts Guides,  
79 M.F. Road, Marine Lines,  
Mumbai. .... **RESPONDENTS**

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Mr. S. M. Vaishnav, Advocate for Petitioner.  
Mr. Yatin Malvankar, Advocate for Respondent 3.  
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**CORAM:** **ROHIT B. DEO AND MRS. VRUSHALI V. JOSHI, JJ.**  
**DATE:** **27<sup>th</sup> FEBRUARY, 2023.**

**COMMON JUDGMENT: (PER ROHIT B. DEO, J.)**

The issue involved is common and the petitions are  
heard and decided by a common order.

2. Petitioners are working on the establishment of respondent 3 – Maharashtra State Bharat Scouts and Guides as District Organizers and District Organizing Commissioner (petitioner in Writ Petition 5468/2021).

3. It is not in dispute that the appointment order incorporates a condition that within three years from the date of appointment the Himalaya Wood Badge (HWB) course shall be successfully completed, and further within five years from the completion of HWB, the Assistant Leader Training (ALT) course shall be completed.

4. We may extract the dates of appointments and the dates on which the aforesaid two courses have been completed, if completed at all:

| S.R. NO. | NAME AND WP NO.                     | DATE OF APPOINTMENT (D.O.A.) | BASIC      | ADVANCE    | ASSIGNMENT | HWB (3 YEARS FROM D.O.A.) | ALT (5 YEARS FROM HWB) |
|----------|-------------------------------------|------------------------------|------------|------------|------------|---------------------------|------------------------|
| 1.       | KAVITA PAWAR<br>WP 5465 OF 2021     | 01.10.2012                   | 22.10.2012 | 14.12.2013 | 19.06.2017 | 23.05.2018                | NOT COMPLETED          |
| 2.       | NITESH ZADE<br>WP 5467 OF 2021      | 01.10.2012                   | 22.10.2012 | 07.12.2013 | 04.08.2018 | 20.01.2020                | NOT COMPLETED          |
| 3.       | RAJESH GAWANDE<br>WP 5468 OF 2021   | 01.10.2012                   | 26.12.2003 | 30.05.2005 | 31.03.2006 | 03.11.2007                | NOT COMPLETED          |
| 4.       | GAJANAN GAYAKWAD<br>WP 5469 OF 2021 | 30.09.2013                   | 07.12.2013 | 24.05.2015 | 14.10.2016 | 20.04.2018                | 17.08.2022             |
| 5.       | RAMESH JADHAV<br>WP 5387 OF 2021    | 04.04.2008                   | 04.05.2008 | 23.11.2009 | 21.03.2013 | 10.10.2013                | 06.06.2018             |
| 6.       | SATYASHIL PATIL<br>WP 2074 OF 2022  | 01.02.2013                   | 25.05.2013 | 20.12.2014 | 13.06.2016 | 02.04.2018                | NOT COMPLETED          |

5. The petitioners are assailing separate orders dated 06.12.2021 whereby the petitioners are informed that the increments due for the period from the outer limit for completion of the courses till the date of actual completion of the courses shall be withheld, and further that the date of regularization shall stand postponed to the date on which the HWB course is completed.

6. The orders impugned further convey to the petitioners that separate orders shall be issued as regards the recovery of the amount against the increment released.

7. In so far as the recovery aspect is concerned, we need not delve deeper in view of the fair submission of the learned counsel for respondent 3 that the aspect of recovery shall be independently considered and an appropriate order issued after hearing the petitioners.

8. In so far as the postponement of the date of confirmation, we do not find any provision in the order of appointment which entitles the employer to postpone the date of confirmation. No other material is brought to our notice indicative of the existence of such right.

9. We have no option but to quash the order impugned to the extent the date of confirmation stands postponed, and we order accordingly.

10. Before parting with the order, we may observe that the submission of the learned counsel for respondent 3 that the employees are displaying a cavalier attitude to the service conditions particularly those specifically prescribed in the appointment orders, cannot be brushed under the carpet. The employees shall be well advised to scrupulously abide by the service conditions, particularly those pertaining to completion of the courses prescribed, and which courses can only upgrade the skill sets of the employees.

11. The petition is disposed of in the aforestated terms.

**(MRS. VRUSHALI V. JOSHI, J.)**

**(ROHIT B. DEO, J.)**

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