

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 Chattrapati 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 Chattrapati 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**

Mr. S. M. Vaishnav, Advocate for Petitioner.
Mr. Yatin Malvankar, Advocate for Respondent 3.

CORAM: **ROHIT B. DEO AND MRS. VRUSHALI V. JOSHI, JJ.**
DATE: **27th 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 WP 5465 OF 2021	01.10.2012	22.10.2012	14.12.2013	19.06.2017	23.05.2018	NOT COMPLETED
2.	NITESH ZADE WP 5467 OF 2021	01.10.2012	22.10.2012	07.12.2013	04.08.2018	20.01.2020	NOT COMPLETED
3.	RAJESH GAWANDE WP 5468 OF 2021	01.10.2012	26.12.2003	30.05.2005	31.03.2006	03.11.2007	NOT COMPLETED
4.	GAJANAN GAYAKWAD 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 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 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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