



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

912 WRIT PETITION NO. 8020 OF 2024

**SHILPA SHYAM SALUNKE AND OTHERS
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND OTHERS**

**AND
913 WRIT PETITION NO. 8024 OF 2024**

**MINAJ MANJURKHAN PATHAN AND OTHERS
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND OTHERS**

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Advocate for the Petitioner/s : Mr. Kulkarni Pramod A.
AGP for Respondents/State : S/Shri V.M. Kagne & B.M. Dhanure
Advocate for Respondent-UOI : Ms. Nikita Gore
Advocate for R/5 & 6 in WP/8020/24 : Mrs. Kavita Bhale
Advocate for R/5 & 6 in WP/8024/24 : Mr. S.B. Pulkundwar

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**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 31st July, 2024**

PC. :-

1. In both these Writ Petitions, the Petitioners have sought inclusion of their post as 'Block Facilitator' under the head of National Rural Health Mission (NRHM) Scheme, which is operated in collaboration, of the Union of India and the State of Maharashtra. They have also prayed for their

regularization. It is not in dispute that they are contractual employees and are engaged under the scheme.

2. The learned A.G.P has opposed these Writ Petitions, inasmuch as, submits that this Court should not issue a Writ of Mandamus in the light of the following judgments :-

- (a) Secretary, State of Karnataka and others Vs. Umadevi (3) and others, (2006) 4 Supreme Court Cases 1;
- (b) Satya Prakash and others Vs. State of Bihar and others, (2010) 4 Supreme Court Cases 179;
- (c) Yogesh Mahajan Vs. Professor R.C. Deka, Director, All India Institute of Medical Sciences, (2018) 3 Supreme Court Cases 218; and
- (d) Union of India Vs. Ilmo Devi & Others, AIR 2021 Supreme Court 4855.

3. The learned Advocate for the Petitioners submits on instructions that the Petitioners are desirous of withdrawing these Writ Petitions, so that they can approach the Appropriate Authority under the Industrial Disputes Act, 1947 or under the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short 'MRTU & PULP Act'), for the redressal of their grievance.

4. In view of the above, **both these Writ Petitions are disposed off**, as withdrawn on instructions. If the Petitioners raise an industrial dispute under Section 2(k) of the Industrial Disputes Act or if they move any proceeding under the MRTTP and PULP Act, the contentions of all the parties are kept open.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]