



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

WRIT PETITION NO. 9010 OF 2021

**BHATU SHANKAR GAWALI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

AND

902 WRIT PETITION NO. 5776 OF 2022

**MUSTAQUE MOHAMMAD SHABAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. D. S. Bagul, Advocate h/f Mr. S. U. Chaudhari, Advocate for the
Petitioners

Mr. R. S. Wani and Mr. S. K. Tambe, AGP for respondent Nos.1 and
2/State

Mr. N. N. Desale, Advocate for respondent No.3.

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 6th MARCH, 2024

PER COURT :-

1. In Writ Petition No. 5576 of 2022, leave to delete Petitioner
No. 3. Deletion to be carried out forthwith.

2. These Petitioners were before the Industrial Court. Since they
succeeded, the Dhule Municipal Corporation approached the learned
Single Judge. One such Petition wherein several original complainants
are arrayed as respondents, is Writ Petition No. 3637 of 2021. By order
dated 24th February, 2021, the learned Single Judge passed the following

order:

" *Heard.*

2. The orders challenged in this writ petition dates back to 1994 to 1997. As such, there is delay of so many years for filing the present petition. Moreover, learned Advocate for the respondents produced on record certain orders indicating that the orders impugned in this petition have already been implemented way back in 1996 itself.

3. On the ground of there being long delay and the impugned orders appear to have been executed way back in 1996, the petition is devoid of merits. The same is therefore, dismissed."

3. The learned Advocate for the Petitioners informs us that these Petitioners have been regularized from 2004. However, identically placed employees were granted regularization from their initial dates of joining.

4. There can be no debate that in matters of regularization by the State or State instrumentalities or public sector undertakings, availability of permanent vacant post is the core issue. The Petitioners before us only pray that the Municipal Corporation may consider their request for regularization from the dates of joining, by drawing parity with such workers who have benefited from the order dated 12th May, 2021 which is placed at Page Nos. 244 and 245 in the Petition before us.

5. Considering the above and keeping in view the law laid down

by this Court in *Municipal Council, Tirora Through Its Chief Officer and another Vs. Tulsidas Baliram Bindhade and others*, 2016(6) Mh.L.J. 867 and the judgment of the Single Judge in the matter of *Mukhyadhikari, Nagar Parishad, Tuljapur Vs. Vishal Vijay Amrutrao and others*, 2015(6) Bom.C.R. 529, both these Writ Petitions are disposed off. It will be open to the Corporation to consider the request of the Petitioners on its own merits.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

ssp