



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8059 OF 2020

Madhav Sadashiv Hakele

VERSUS

The State Of Maharashtra And Others

...

Mr. V. R. Jain (Kamboj), Advocate for the Petitioner

Mr. S. K. Tambe, AGP for Respondents

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CORAM : RAVINDRA V. GHUGE &
R. M. JOSHI, JJ

DATE : MARCH 04, 2024

PER COURT :

1. The Petitioner was one amongst many who had approached the learned Maharashtra Administrative Tribunal in OA No. 36/2001. By judgment dated 26.02.2001, the learned Tribunal observed in paragraphs 17 to 20 that the Petitioner was working as a Spraying Worker for about 92 days in the previous one or two years. Those who worked for around 900 days in the previous 8 to 9 years were held to be ineligible. It was, therefore, concluded by the learned Tribunal in paragraph 21 and 22 as under:

21. We accordingly direct the respondents to consider the claims of the applicants, if and when they come within the zone of consideration as per their seniority and turn for being selected for MPW training and MPW/HW appointment, of-course, having

due regard to the aspect of reservations for the different categories. The applicants in OA Nos. 1136/2000, 36/2001, 40/2001, OA St. Nos. 179/2001 and 180/2001 shall be extended the benefits of first part of Clause (-) of Rule 3 as if they are in service of Government. The applicant in OA No. 40/2001 who does not appear to be now in service as a Seasonal Spraying Worker, shall, however, be given the benefit of four years' service rendered by him as a Seasonal Field Worker for the purpose of determining whether he falls within the upper age limit or otherwise, whenever his turn may come.

22. We have to accordingly allow these original applications in the above terms and to the above extent. We are not inclined to set any time limit., as the facts vary from case to case as observed by us in paragraph no.3 above. The respondent authorities would have to verify the facts of each case and to take further actions as per the rule and ratio laid down, as may be warranted by the facts of each case. All these original applications are disposed of with no orders as to costs.

2. After the judgment of the learned Tribunal dated 26.02.2001, the Petitioner has approached this Court directly by lodging this Petition on 02.12.2015. It was registered in the year 2020. It was circulated before us on 21.02.2024. The Petitioner is now around 59 years of age.

3. The Petitioner is not challenging the judgment of the learned Tribunal, which did not grant him

regularization in service. It is only observed that the State Authorities may consider the case of the Petitioner as and when he may be eligible for absorption.

4. We are circumspect as to whether a seasonal Spray Worker, who has worked for around 90 days in a season, could be granted regularization in the service of Government, save and except, if the Government has a scheme for regularizing seasonal workers, who are working on the spraying activity during the rainy season. The representations of the Petitioner dated 16.05.2015 and 22.06.2015 are pending before the District Malaria Officer, Respondent No. 4 herein.

5. In view of the above, **this Petition is disposed off.** Considering the passage of 23 years post the judgment of the learned Tribunal, we direct the Respondent No. 4 to deal with the representations of the Petitioner and communicate a decision to him, within 90 days from today, if not already considered. The contention of the Petitioner that junior persons whose names are mentioned in the earlier representation dated 29.05.2001, have been granted regularization in

service, may be taken into account while deciding the representation.

(R. M. JOSHI, J)

(RAVINDRA V. GHUGE, J)

Malani