



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

908 CIVIL APPLICATION NO. 2665 OF 2024

IN RAST/38358/2023

THE MUNICIPAL CORPORATION PARBHANI THROUGH ITS COMMISSIONER

VERSUS

KIRAN VASANTRAO GARUD AND ORS

WITH

CIVIL APPLICATION NO. 2666 OF 2024

909 CIVIL APPLICATION NO. 2669 OF 2024

IN RAST/38365/2023

THE MUNICIPAL CORPORATION PARBHANI THROUGH ITS COMMISSIONER

VERSUS

RAJU BHASKARRAO KAGDE AND ORS

WITH

CIVIL APPLICATION NO. 2671 OF 2024

910 CIVIL APPLICATION NO. 2683 OF 2024

IN RAST/38335/2023

THE MUNICIPAL CORPORATION PARBHANI THROUGH ITS ASSISTANT COMMISSIONER

VERSUS

MADAN ANIL JADHAV AND OTHERS

WITH

CIVIL APPLICATION NO. 2684 OF 2024

911 CIVIL APPLICATION NO. 2686 OF 2024

IN RAST/38326/2023

THE MUNICIPAL CORPORATION PARBHANI THROUGH ITS ASSISTANT COMMISSIONER

DASHRATH WAMANRAO RATHOD

VERSUS

BALAJI VITTHALRAO KALE AND OTHERS

WITH

CIVIL APPLICATION NO. 2687 OF 2024

912 CIVIL APPLICATION NO. 2689 OF 2024

IN RAST/39037/2023

THE MUNICIPAL CORPORATION PARBHANI THROUGH ITS ASSISTANT COMMISSIONER

VERSUS

MANGESH RAMRAO DAKE AND OTHERS

WITH

CIVIL APPLICATION NO. 2690 OF 2024

**913 CIVIL APPLICATION NO. 2692 OF 2024
IN RAST/38341/2023**

THE MUNICIPAL CORPORATION PARBHANI THROUGH ITS COMMISSIONER
VERSUS
ANIL CHANDRAKANT MUGWANKAR AND OTHERS
WITH
CIVIL APPLICATION NO. 2693 OF 2024

**914 CIVIL APPLICATION NO. 2699 OF 2024
IN RAST/38372/2023**

THE DIRECTORATE OF MUNICIPAL ADMINISTRATION
VERSUS
BALIRAM KUNDLIK GAIKWAD AND ORS
WITH
CIVIL APPLICATION NO. 2700 OF 2024

**915 CIVIL APPLICATION NO. 2703 OF 2024
IN RAST/38313/2023**

THE MUNICIPAL CORPORATION PARBHANI THROUGH ITS ASSISTANT COMMISSIONER
VERSUS
MAHENDRA SANTOSHRAO KAMBLE AND OTHERS
WITH
CIVIL APPLICATION NO. 2704 OF 2024

**916 CIVIL APPLICATION NO. 2706 OF 2024
IN RAST/38317/2023**

THE MUNICIPAL CORPORATION PARBHANI THROUGH ITS ASSISTANT COMMISSIONER
DASHRATH WAMANRAO RATHOD
VERSUS
PRALHAD RAMRAO SAMINDARE
WITH
CIVIL APPLICATION NO. 2707 OF 2024

**917 CIVIL APPLICATION NO. 2709 OF 2024
IN RAST/38332/2023**

THE MUNICIPAL CORPORATION PARBHANI THROUGH ITS ASSISTANT COMMISSIONER
DASHRATH WAMANRAO RATHOD
VERSUS
SARJERAO ARJUN MUNDHE AND OTHERS
WITH
CIVIL APPLICATION NO. 2710 OF 2024

**918 CIVIL APPLICATION NO. 2712 OF 2024
IN RAST/38322/2023**

THE MUNICIPAL CORPORATION PARBHANI THROUGH ITS ASSISTANT COMMISSIONER

DASHRATH WAMANRAO RATHOD
VERSUS
PRAKASH SHANKARRAO BULBULE AND OTHERS
WITH
CIVIL APPLICATION NO. 2713 OF 2024

**919 CIVIL APPLICATION NO. 2716 OF 2024
IN RAST/38329/2023**

THE MUNICIPAL CORPORATION PARBHANI THROUGH ITS ASSISTANT COMMISSIONER
DASHRATH WAMANRAO RATHOD
VERSUS
SHILPA GANGADHAR BHUSAWALE AND OTHERS
WITH
CIVIL APPLICATION NO. 2717 OF 2024

**920 CIVIL APPLICATION NO. 2719 OF 2024
IN RAST/38348/2023**

THE MUNICIPAL CORPORATION PARBHANI THROUGH ITS ASSISTANT COMMISSIONER
VERSUS
RAMESHWAR SHANKAR PAWAR AND OTHERS
WITH
CIVIL APPLICATION NO. 2720 OF 2024

Mr.Y.V. Kakade, Advocate for the Applicants.

Ms.Neha B. Kamble, Mr. R.S. Wani, Mr. D.R. Korade, Mr. A.A.A. Khan, Mr. R.K. Ingole, AGPs for the Respondent/State.

Mr.V.M. Humbe, Advocate for the Respondent/Petitioners in Writ Petitions.

**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**
DATED : 28.03.2024

PC :-

01. Insofar as the Civil Applications seeking condonation of delay of 208 days caused in filing the Review Applications, we have heard the learned Advocates for the respective sides.

02. For the reasons set out, the Civil Applications seeking condonation of delay are allowed.

ORDER BELOW THE REVIEW APPLICATIONS

03. The Review Applications are heard by the consent of the appearing parties.

04. The learned Advocate representing the Municipal Corporation, Parbhani has drawn our attention to a solitary feature that though this Court had directed that the law laid down in Mukhyadhikari, Nagar Parishad, Tuljapur Vs. Vishal Vijay Amrutrao 2015 (5) Mh.L.J.75 and the law laid down by the learned Reference Court [Division Bench] in Municipal Council, Tirora Vs. Tulsidas Baliram Bindhade, 2016 (6) Mh.L.J. 867, is to be followed, the directives of the State Government are quite different. According to him, the State Government has directed the Municipal Corporation to engage certain category of employees through the outsourcing mode. Direct recruitment is not to be entertained.

05. We have perused the directions issued by this Court in paragraph

No.5, in the light of Mukhyadhikari, Nagar Parishad, Tuljapur (supra) and Municipal Council, Tirora (supra), which read as under:-

“5. In view of the above, all these Petitions are disposed off with the following directions :-

- A] Respondent Nos. 4 and 5 shall collate information with regard to the Petitioners, as well as all similarly situated Data Entry Operators/Clerks/Firemen, etc. who have not approached the Court. Independent proposals be prepared for such categories of identically placed employees, meaning, even those employees, who have not approached the Court.
- B] Such proposals be prepared within a period of 90 days from today and be forwarded to the competent authority for consideration in the backdrop of available vacancies.
- C] Depending upon the length of service and seniority, the competent authority would consider such proposals by carrying out a verification exercise and in the event any such employees are eligible for regularization on available vacant posts and in the absence of any legal impediment, an appropriate decision may be arrived at by the competent authorities within 90 days from the date of receipt of such proposals.”

06. It is, thus, apparent that we had only directed the Corporation to collate information about the Petitioners, their nature of duties, their nomenclature, their length of duties etc. in the backdrop of available vacancies and forward the proposal to the Government. The Government was to consider such proposals. We had not made observation that such employees shall be granted regularization. We had directed their cases to be considered and if anybody was found eligible for regularization, keeping in view the available vacant posts, and in the absence of any legal impediment,

an order was to be passed by the Government.

07. In view of the above, we do not find that there is any error apparent on the face of the order. **All the Review Applications are, therefore, disposed off.**

08. **Pending Civil Applications** seeking stay to the orders sought to be reviewed, would not survive and **stand disposed off.**

[SANJAY A. DESHMUKH,J.]

[RAVINDRA V. GHUGE,J.]