



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 WRIT PETITION NO. 2549 OF 2024

YOGITABALI SAHEBRAO POKALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...
Advocate for the Petitioner : Mr. Bhalerao Rajendrakumar D.
AGP for Respondents/State : Mr. S.B. Narwade
...

CORAM : RAVINDRA V. GHUGE &
R.M. JOSHI, JJ.
DATE : 7th March, 2024

PC. :-

1. These three Petitioners seek the same reliefs as were granted by this Court vide judgment dated 31.10.2018 in **Writ Petition No.5867/2015 (Madhukar s/o Bhavanrao Sadgir V/s. State of Maharashtra and Ors.)**.
2. Heard the learned advocate for the respective sides. The learned AGP vehemently opposed this petition on the ground that none of these Petitioners have completed 10 years as is mandated in **Madhukar s/o Bhavanrao Sadgir** (supra). In **Pandurang Hari Shelke V/s. State of Maharashtra and Ors. and connected matters**, Writ Petition No.8524/2022, this Court concluded that those candidates who do not complete 10 years, would be considered for regularization only after completing such 10 years.

3. Paragraph 9, 10 and 11 in the matter of **Pandurang Hari Shelke**
(supra) read as under:

“9. In so far as the queries by the State Government are concerned, we observe as under:-

Query(a) Those employees who have not completed 10 years in continuous service in the light of the paragraph 21(i) and (iv), would not be entitled for the benefits, save and except in terms of any policy decision that the State Government would be introducing to deal with this entire issue in the State of Maharashtra.

Query(b) Considering paragraph 21(i) and (iv), those employees, who have presented their first appointment order and are out of employment for periods ranging from one year and above, or those are presently in employment with a gap and are not in continuous in employment, would not be entitled for regularization, save and except in terms of the policy that would be introduced by the State Government for such employees in the State of Maharashtra.

Query(c) Since the Government itself granted several concessions to the employees, those who could not work and discharge their duties due to Covid-19 pandemic lock down, would be considered to be in continuous employment during the Covid pandemic lock down period, provided they were in employment immediately prior to the lock down and were also in employment immediately after withdrawal of lock own restrictions, inclusive of the vacation period.

Query(d) The answer to query (d) lies in paragraph 21(iii). For clarification, we would observe that those employees who have completed 10 years in employment and have filed their writ petitions later on, would be entitled for the monetary benefits either from 1.11.2018 or the date on which they completed 10 years, whichever is later. In cases where the candidates have preferred writ petitions, prior to completing 10 years in service, would be entitled for the regular pay scale/monetary benefits from 1.11.2018 or from the date they have completed 10 years of employment, whichever is later.

10. In view of the above, we deem it appropriate to direct further, with the consent of the petitioners, as under:-

- i) As the State Government has informed us, vide communication “Y”, that the service details of all these petitioners, and similarly placed employees, in the State of Maharashtra, is being collected and verification would be completed by 21.10.2022, we grant further period to the State Government in order to avoid any mistake or discrepancy, to complete such exercise of verification, till 30.11.2022.
 - ii) Pursuant to the above and our clarification set out in the foregoing paragraphs, read with the earlier orders, the State would prepare a list of eligible candidates and ineligible candidates. In so far as ineligible candidates are concerned, the State Government shall assign specific reasons in each case, concluding in the light of our orders, as to why they are held ineligible. The cases of those, who are held eligible, would be forwarded to the Competent Government department of the State of Maharashtra for framing a policy to grant regularization to such candidates and thereafter issue orders of regularization, as expeditiously as possible and not later than 31.01.2023.
 - iii) Those cases, which are found to be ineligible while verifying the record, if are found to be worthy of consideration in the light of the terms of any policy decision that State Government may introduce, we leave it to the State Government to take a decision with regard to such cases as well, preferably on or before 15.03.2023.
 - iv) After the entire exercise is completed and if any candidate from teaching or non teaching categories is found to be ineligible, specific orders rejecting their proposal would be passed and the said orders would be served upon such candidates on their last known address or through the institution, in which they are working on or before 15.4.2023.
11. In view of the above, those petitioners and similarly situated employees in the State of Maharashtra, who are in employment today, shall not be discontinued from employment only on the ground that they are temporary and their proposals are pending.”

4. Consequentially, the directions issued by this Court under paragraph 10 of the order dated 16.01.2024, shall be made applicable and the claims of the Petitioners would be scrutinized meticulously.

5. In view of the above, **this Writ Petition is disposed off** in the light of the directions re-produced above.

[R.M. JOSHI, J.]

[RAVINDRA V. GHUGE, J.]