

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.16724 OF 2024

Veenita Ugalal Chavan and Ors.Petitioners

Vs.

The State of Maharashtra and Ors.Respondents

WRIT PETITION NO.2581 OF 2023

Yuvraj Namdev Gawari Alias

Yuvraj Namdev Gavari & Ors.Petitioners

Vs.

The State of Maharashtra and Ors.Respondents

WRIT PETITION NO.6849 OF 023

Prabhakar Ramu Gawali and Ors.Petitioners

Vs.

The State of Maharashtra and Ors.Respondents

WRIT PETITION NO.6856 OF 2023

Bhima Antu Mali and Ors.Petitioners

Vs.

The State of Maharashtra and Ors.Respondents

WRIT PETITION NO.6854 OF 2023

Parvati Tukaram More & Ors.Petitioners

Vs.

The State of Maharashtra and Ors.Respondents

WRIT PETITION NO.6844 OF 2023

Kalpana Prakash Dagale & Ors.Petitioners

Vs.

The State of Maharashtra and Ors.Respondents

WRIT PETITION NO.16738 OF 2024

Pandharinath Ramesh Padwale & Ors.Petitioners

Vs.

The State of Maharashtra and Ors.Respondents

WRIT PETITION NO.16727 OF 2024

Sanjay Gokul Chaure & Ors.Petitioners

Vs.

The State of Maharashtra and Ors.Respondents

WRIT PETITION NO.9460 OF 2023

Tanaji Vasant Vasave & Ors.Petitioners

Vs.

The State of Maharashtra and Ors.Respondents

WRIT PETITION NO.9462 OF 2023

Ravindra Jayavant Vasave & Ors.Petitioners

Vs.

The State of Maharashtra and Ors.Respondents

WRIT PETITION NO.9467 OF 2023

Rakesh Ramdas Sonawane & Ors.Petitioners

Vs.

The State of Maharashtra and Ors.

....Respondents

WRIT PETITION NO.9468 OF 2023

Surekha Subhash Bhamre & Ors.

.....Petitioners

Vs.

The State of Maharashtra and Ors.

....Respondents

(Sr. No. 910) WRIT PETITION NO.10608 of 2023

Girish Dinkar Pagar & Ors.

.....Petitioners

Vs.

The State of Maharashtra and Ors.

....Respondents

(Sr.No.911) WRIT PETITION NO.10706 OF 2023

Vilas Raghunath Waghere & Ors.

.....Petitioners

Vs.

The State of Maharashtra and Ors.

....Respondents

(Sr. No.912) WRIT PETITION NO.11681 of 2023

Somnath Hari Chavan & Ors.

.....Petitioners

Vs.

The State of Maharashtra and Ors.

....Respondents

(Sr. No.909) WRIT PETITION NO.9457 OF 2023

Jafarsing Bharat Ahire & Ors.

.....Petitioners

Vs.

The State of Maharashtra and Ors.

....Respondents

WRIT PETITION NO.3542 OF 2023

Popat Vishvanath Barde

.....Petitioner

Vs.

The State of Maharashtra and Ors.

....Respondents

WRIT PETITION NO.4381 OF 2024

Vasant Himmat Khairnar

.....Petitioner

Vs.

The State of Maharashtra and Ors.

....Respondents

Adv. Vishal Kadam a/w Adv. Dhanraj A. Lodha a/w Adv. Purva S. Pradhan a/w Adv. Vishal V. Shinde for the Petitioner.

Mr. S. B. Talekar a/w Talekar and Asso. for the Petitioners.

Mr. S. H. Kankal, AGP for the State.

Adv. N. C. Walimbe, Addl. G. P. in WP/2581/2023.

Ms. A. A. Purav, AGP for the State in WP/6849/2023.

Mr. K. S. Thorat 'B'PNL , in WP/6854/2023.

Mr. V. M. Mali, AGP for the State in WP/6854/2023.

Mr. S. B. Kalel, AGP for the State in WP/3542/2023.

Ms. P. J. Gavhane, AGP for the State in WP/6844/2023.

Ms. Ashwini A. Purav AGP for the State in WP/10608/2023.

Mr. N. K. Rajpurohit, AGP for the State, in WP/10706/2023.

Mr. Y. C. Walibe, AGP for the State, in WP/1168/2023.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 14th NOVEMBER, 2024

P.C. :-

1. We have heard the learned Advocates for the Petitioners and the Respondents. The issue raised in all these petitions is no longer '*res integra*'.

2. The Petitioners are praying for regularization and permanency in the Government Ashram Schools. This Court [Coram: S. V Gangapurwala, ACJ (as His Lordship then was) & R. G. Avachat, J.], vide it's judgment dated 31 October, 2018, delivered in Writ Petition No. 5867 of 2015, filed by **Madhukar Bhagwanrao Sadgir V/s. State of Maharashtra and others** and vide the order dated 19th October, 2022, passed by this Court (Coram: Ravindra V. Ghuge & Sanjay A. Deshmukh, JJ.), in Writ Petition Nos. 8524 of 2022, filed by **Pandurang Hari Shelke V/s. State of Maharashtra and others** with connected matters, has concluded that those candidates who had completed 10 years, would be considered for regularization by the State of Maharashtra after conducting a verification exercise.

3. To be specific, this court has held in paragraph nos. 9, 10 and 11, in Pandurang Hari Shelke (supra), 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 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 or 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, 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 the employment today, shall not be discontinued from employment only on the ground that they are temporary and their proposals are pending.”

4. In view of the above, only those Petitioners who have completed 10 years, would be covered by the above directions so as to be implemented by the State Government. Those who have not completed 10 years, will have to wait till they complete 10 years

and thereafter the Competent Authority would consider their cases.

5. The learned AGP submits that the concerned authority has already started a verification exercise with regard to these Petitioners and only after completing the verification exercise and on concluding that the concerned Petitioners are eligible, further orders would be passed in the light of the judgment of this Court in **Madhukar Bhagwanrao Sadgir V/s. State of Maharashtra** and Ors. (supra). We expect the concerned authorities to complete the said exercise within a period of 180 days.

6. In the Writ Petitions filed by Mr. Vishal Kadam, the learned Advocate has not submitted a list of those Petitioners who have completed 10 years. As such, only those Petitioners, who have completed 10 years, shall be covered by the directions set out herein above.

7. In the Writ Petitions (filed by Mr. Vishal Kadam), those Petitioners who have not completed 10 years, shall not derive any benefit of this order and their **Writ Petitions shall stand disposed off** with liberty to file fresh petitions for raising the ground of

commensurate pay scale until they complete 10 years in continuous service.

8. In view of the above, **all these Writ Petitions are disposed off .**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)