

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

(SR.NO.3) WRIT PETITION NO.15287 OF 2024

Manisha Narayan Bhoys

.....Petitioner

Vs.

The State of Maharashtra

Respondent

WITH

(SR.NO.4) WRIT PETITION NO.17432 OF 2024

Rajaram Ananda Patil and Ors.

.....Petitioners

Vs.

The State of Maharashtra

Respondent

WITH

(SR. NO.5) WRIT PETITION NO.17433 OF 2024

Gitesh Vitthal Dhum and Anr.

.....Petitioners

Vs.

The State of Maharashtra

Respondent

WITH

(SR. NO.6) WRIT PETITION NO.17434 OF 2024

Sudhakar Laxman Dangate and Ors.

.....Petitioners

Vs.

The State of Maharashtra

Respondent

WITH

(SR.NO.7) WRIT PETITION NO.17435 OF 2024

Sukesh Sambhaji Bonge and Ors.

.....Petitioners

Vs.

The State of Maharashtra

Respondent

WITH

(SR.NO.8) WRIT PETITION NO.17436 OF 2024

Sudam Atmaram Tumbda and Ors.

.....Petitioners

Vs.

The State of Maharashtra

Respondent

WITH

(SR.NO.9) WRIT PETITION NO.17437 OF 2024

Akshay Dilip Deore and Ors.

.....Petitioners

Vs.

The State of Maharashtra

Respondent

WITH

(SR. NO.501) WRIT PETITION NO.15853 OF 2023

Hemantkumar Bhaskar Chaudhari and Ors.

.....Petitioners

Vs.

The State of Maharashtra and Ors.

Respondents

WITH

(SR.NO.502) WRIT PETITION NO.16148 OF 2023

Jeevanlata Hariram Patel

.....Petitioner

Vs.

The State of Maharashtra

Respondent

WITH

(SR.NO.503) WRIT PETITION NO.16149 OF 2023

Deepakpoonam Laxman BethekarPetitioner

Vs.

The State of Maharashtra Respondent

WITH

(SR.NO.504) WRIT PETITION NO.16304 OF 2023

Shantilal Narayan DahikarPetitioner

Vs.

The State of Maharashtra Respondent

WITH

(SR.NO.505) WRIT PETITION NO.16336 OF 2023

Parwatibai Shobharam ThakarePetitioner

Vs.

The State of Maharashtra Respondent

WITH

(SR.NO.506) WRIT PETITION NO.16679 OF 2023

Makrand Vasantao SherekarPetitioner

Vs.

The State of Maharashtra Respondent

WITH

(SR.NO.507) WRIT PETITION NO.16683 OF 2023

Lalita Chunnilal JawalkarPetitioner

Vs.

The State of Maharashtra Respondent

WITH

(SR.NO.508) WRIT PETITION NO.16765 OF 2023

Sunita Bhchham Igrapawar

.....Petitioner

Vs.

The State of Maharashtra

Respondent

Mr. N. L. Chaudhari a/w Vivek Salunke for the Petitioner in Sr. Nos. 3 to 9.

Mr. B. V. Samant Addl. G. P a/w V. M. Mali, AGP for the State.

Ms. Nisha Mehra in WP Nos.17432 of 2024 and 17436 of 2024.

Mr. V. M. Mali, AGP for the State in WP No. 17433 of 2024.

Ms. Reena Salunkhe AGP for the State in WP No.17434 of 2024.

Mr. B. V. Samant a/w V. G. Badgujar AGP for the State in WP No.17435 of 2024.

Ms. A. S. Purav, AGP for the State in WP No. 17436 of 2024.

Mr. S. B. Kalel, AGP for the State in WP/15853/2023.

Mr. M. M. Pable, AGP for the State in WP/16148/2023.

Mr. K. S. Thorat, AGP for the State in WP/16149/2023.

Mr. P. P. Kakade a/w A. K. Naik AGP for State in WP/16304 of 2023.

Mr. S. H. Kankal, AGP for the State, in WP/16336/2023.

Ms. Pooja Deshpande, AGP for the State in WP/16679/2023.

Ms. T. K. Kapre, AGP for the State in WP/16683/2023.

Ms. P. J. Gavhane, AGP for the State in WP/16765/2023.

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

DATE : 4th DECEMBER, 2024

P.C. :-

1. The above eight Writ Petitions are not on the daily board. Identical matters are at Sr. Nos. 3 to 9. Hence, by consent of the parties, these matters are taken on the production board and all these matters are heard together.

2. The issue raised in all these Petitions is no longer *res-integra*.

3. 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 its 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

4. To be specific, this court has held in paragraph nos. 9,

10 and 11, in the matter of 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 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."

5. 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.

6. 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 others** (supra).

7. In view of the above, **all these Writ Petitions are disposed off**. We expect the concerned authorities to complete the said exercise within a period of 180 days.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)