



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO.2775 OF 2024 IN

WRIT PETITION NO.3696/2018

(Mrs. Chitra W/O Jagdish Mehar And Others Vs. Union Of India And Others)

WITH

WRIT PETITION NO.1859/2021

(Hema W/O Manohar Lende Vs. Union Of India And Others)

WITH

WRIT PETITION NO.1861/2021

(Suvarna Ramesh Kumbhare Vs. Union Of India And Others)

WITH

WRIT PETITION NO.1857/2021

(Dilip S/O Tulshiram Kumbhare Vs. Union Of India And Others)

WITH

WRIT PETITION NO.1858/2021

(Bharti Digambarrao Dadwe Vs. Union Of India And Others)

WITH

WRIT PETITION NO.1860/2021

(Vinod S/O Ajabrao Nandekar Vs. Union Of India And Others)

WITH

WRIT PETITION NO.1752/2021

(Shital Manohar Tale And Others Vs. State Of Maharashtra, Thr. Secretary, Dept. Of
School Education And Sports, Mumbai)

WITH

CONTEMPT PETITION NO.211/2024 AND 358/2023

WITH

WRIT PETITION NO.1856/2021

(Anup s/o Mohanrao Chafale .Vs. Union Of India And Others)

WITH

WRIT PETITION NO.1748/2021

(Tara D/O Gangaram Charbhe Vs. Union Of India And Others)

WITH

WRIT PETITION NO.1698/2021

(Shilpa Shrirampant Mandale Vs. Union Of India and others)

WITH

CIVIL APPLICATION NO.2788 OF 2024 IN

WRIT PETITION NO.3094/2021

(Shalini Dnyaneshwar Gadge And Others Vs. Union Of India And Others)

WITH

CIVIL APPLICATION NO. 2790 OF 2024 IN

WRIT PETITION NO.1754/2020

(Shri Vipul Bhaskarrao Raut And Others Vs. Union Of India And others)

WITH

CIVIL APPLICATION NO. 2765 OF 2024 IN

WRIT PETITION NO.1753/2020

(Ku. Sangita Panjabrao Rupanarayan And Others Vs. Union Of India And Others)

WITH

WRIT PETITION NO.1778/2021 & CONTEMPT PETITION NO.23/2022

(Ghanshyam Vithobaji Guguskar Vs. Union Of India And Others)

WITH

CIVIL APPLICATION NO.2786 OF 2024 IN

WRIT PETITION NO.3202/2019

(Ms. Archana Wamanrao Borkar (Mrs. Archana Prashant Shingne) And Another Vs. Union Of India And Others)

WITH

CIVIL APPLICATION NO.2762 OF 2024 IN

WRIT PETITION NO.2746/2014

(Ramdas R. Thawre And Others Vs. Union Of India And Others)

WITH

CIVIL APPLICATION NO.2777 OF 2024

WRIT PETITION NO.8549/2019

(Mrs. Neerja Rajesh Khare And Others Vs. Union Of India And Others)

WITH

CIVIL APPLICATION NO.2787 OF 2024 IN

WRIT PETITION NO.4228/2017

(Chetan Mohanrao Dhapodkar And Others Vs. Union Of India And Others)

WITH

WRIT PETITION NO.4844/2022

(Mr. Satish Shankarrao Kale Vs. Union Of India, Thr. Secretary (Idssa Scheme), Ministry Of Human Resource Dev. New Delhi)

WITH

CIVIL APPLICATION NO.2767 OF 2024 IN

WRIT PETITION NO.4654/2022

(Ravindara S/O Devidasji Dhore And Others Vs. Union Of India, Thr. Secy. (Iedss Scheme) To The Ministry Of Human Resource Dev., New Delhi And Ors)

WITH

CIVIL APPLICATION NO.2785 OF 2024 IN

WRIT PETITION NO.4850/2022

(Ajay S/O Manoharrao Gulhane And Others Vs. Union Of India, Thr. Secy. (Iedss Scheme) To The Ministry Of Human Resource Dev. New Delhi And Ors)

WITH

WRIT PETITION NO.3717/2021 & CONTEMPT PETITION NO.146/2024

(Smt. Kavita Vishwanath Choudhary And Another Vs. Union Of India, Thr. Its Secretary (Iedss Scheme), Ministry Of Home Research Development, New Delhi)

WITH

WRIT PETITION NO.4682/2015

(Mr. Rajesh S/O Deorajoji Kandalkar And Others Vs. The State Govt. Through Its Principal Secty., Education Deptt., Mumbai And Others)

WITH

CIVIL APPLICATION NO.2792 OF 2024 IN

WRIT PETITION NO.8508/2019

(Mr. Prashant Laxmanrao Bhalerao And Others Vs. Union Of India, Through Its Secretary, (Idssa Scheme), Hrd Ministry, New Delhi And 3 Others)

WITH
CIVIL APPLICATION NO.2789 OF 2024 IN
WRIT PETITION NO.5143/2018

(Rajendra Vitthalrao Bagade And Others Vs. Union Of India, Thr. Its Secretary, (Idssa Scheme), Hrd Ministry, New Delhi And Others)

WITH
WRIT PETITION NO.6657/2022

(Abhinandan S/O. Pandurang Gawai And Others Vs. Union Of India, Thr. Secy. (Iedss Scheme) To The Ministry Of H. R. Devpt. New Delhi And Ors)

WITH
WRIT PETITION NO.7855/2017

Yuvraj S/O Shravanji Chore And Others Vs. The Union Of India, Thr. Ministry Of Human Resources Devl. New Delhi Thr. Chief Secretary And Other)

WITH
WRIT PETITION NO.8159/2017

(Mangesh Janardhan Kawadapure And Others Vs. The Union Of India, Thr. Ministry Of Human Resources Devl. New Delhi Thr. Chief Secretary And Other)

WITH
CIVIL APPLICATION NO.2766 OF 2024 IN
WRIT PETITION NO.7854/2017

(Bandu S/O Rajaram Kubade And Others Vs. The Union Of India, Thr. Ministry Of Human Resources Development, New Delhi Thr. Chief Sec. And Others)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri Anand Purchase, Shri R.K. Deshpande and Mr. Anshu Deshpande, Shri P.S. Wathore, Dr. Renuka S. Sirpurkar, Shri M.A. Abdul Mushtaque, Ms. U.R. Tanna, Shri A.A. Choube, Mr. U.J. Deshpande, Advocates for the petitioners in respective petitions. Ms. Kalyani Deshpande, AGP for respondent/State. Mrs. M. Chandurkar, Ms. Meghna Munshi, Counsel for UOI, Mrs. B.P. Maldhure, Advocate for respondent No.6 in WP Nos.1859/2021, 1861/2021, 1857/2021, 1858/2021, 1860/2021, 1778/2020 & 4654/2022, Mrs. S.S. Jachak, Advocate for respondent No.8 in WP No.1778/2021, Shri Pavan Raulkar, Advocate for respondent No.4 in WP Nos.1752/2021 and respondent No.6 in WP No.1748/2021, Shri G.S. Sengar, Advocate for respondent Nos.6 and 7 in WP No.1698/2021, Shri J.B. Kasat, Advocate for respondent No.8 in W.P. No.4850/2022. Mrs. S.N. Deshpande, Advocate for respondent in WP No.3094/2021, 1754/2020, 1753/2020, Shri S.R. Wagh, Advocate h/f. Mr. B.N. Jaipurkar, Counsel for respondent Nos.9 and 11 in WP No.4850/2022.

CORAM : G.A. SANAP &
ABHAY J. MANTRI, JJ.

DATED : 18-10-2024

1. The petitioners have made these applications seeking amendment of the petitions. It is stated that in earlier part of the litigation, an assurance was given by the Government for regularization of the services of the teachers, who fulfilled the required criteria. It is stated that the Government of Maharashtra, *vide* Resolution dated 8th October, 2024, has regularized the services of some of the teachers, subject to certain conditions. It is stated that the conditions imposed are arbitrary and onerous. The conditions imposed, while regularizing the services of those teachers, have indirectly denied them the benefit of regularization. It is submitted that, therefore, for the purpose of challenging this Government Resolution, the amendment as sought for is necessary. The petitioners, in the fact situation, cannot be directed to file other petitions, which as per their contention, would put them to unnecessary hardships. It is submitted that the controversy, which has already been raised in the petitions and sought to be raised by way of these amended pleadings, can be decided in one round of litigation, in these petitions.

2. The replies have been filed by the State. The principal contention of the State is that now the services of some of the petitioners have been regularized subject to certain conditions incorporated in the Government Resolution dated 8th October, 2024. It is contended that, in view of this Government Resolution, the cause of action, if any, accrued in favour of the petitioners would be a separate and independent cause of action. In short, it is submitted that they should file separate petitions for redressal of their grievance.

3. For the purpose of deciding these applications, it is not necessary to go into the factual details. However, the facts remain that, in case of some of the petitioners, the Government of Maharashtra has decided to regularize their services. A statement to that effect was made before this Court. The regularization of the services, as contended before this Court earlier, was obviously as per the final decision taken by the Government of Maharashtra. Now, the Government of Maharashtra, *vide* Government Resolution date 8th October, 2024, has resolved to regularize the services. However, the Government of Maharashtra has imposed certain conditions. The conditions, according to the petitioners, are arbitrary and onerous, and therefore it is very difficult for the petitioners to derive the benefit of the regularization. It is their contention that, for the purpose of adjudication of their principal grievance and the grievance sought to be raised by way of the proposed amendment, the amendment needs to be allowed.

4. On going through the record and proceedings, we are satisfied that the petitioners cannot be driven to file separate petitions. The principal grievance made in the earlier petitions was with regard to the decision of the Government not to regularize their services. In view of this, we conclude that for the complete adjudication of the question in controversy, it would be just and proper to grant the prayer for amendment. It is further pertinent to mention that the services of all the petitioners have not been regularized. For the purpose of addressing the grievance of the petitioners, whose services have not been regularized, this Court would be required to go into the merits of the dispute. In our view, this

is one more ground to grant these applications.

5. Accordingly, the applications are **allowed**.
6. The amendment is allowed in terms of the application.
7. The amendment be carried out within two weeks.
8. The amended copy of the petitions be provided to the respondents.
9. The respondents are at liberty to file reply. If they propose to file reply, then it shall be filed by 14th November, 2024.
10. The civil applications stand disposed of.
11. Stand over to 14th November, 2024.
12. Interim order, if any, to continue till next date.

**CIVIL APPLICATION (CAW) NO. 380 OF 2023
IN
WRIT PETITION NO.3696 OF 2018**

1. This is an application for addition of the applicant as petitioner in the petition.
2. In the application, the relevant facts with regard to his grievance have been made. It is stated that he is the necessary party for the adjudication of this petition. It is also stated that without adding him as a party, his grievance as against the respondents could not be properly placed before the Court and redressed.

3. In view of this, the application is allowed in terms of prayer clause (i).
4. The order be complied within two weeks.
5. The civil application stands disposed of.

CIVIL APPLICATION NO. 96 OF 2024

IN

**CONTEMPT PETITION NO. 211 OF 2024 IN
WRIT PETITION NO.1752/2021**

1. This is an application for addition of Shri Vinayak Mahamuni, CEO, Zilla Parishad, Civil Lines, Nagpur, as respondent No.7.
2. In view of the facts stated in the application, the application is allowed in terms of the prayer.
3. The amendment be carried out within two weeks.
4. The civil application stands disposed of.

(ABHAY J. MANTRI, J.)

(G.A. SANAP, J.)

Vijay