



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

933 WRIT PETITION NO. 7104 OF 2023

SANGITA BHANUDAS JADHAV AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

934 WRIT PETITION NO. 7141 OF 2023

VILAS WAMAN DALAVE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

935 WRIT PETITION NO. 7155 OF 2023

MANGALDAS SAHEBRAO CHAURE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

942 WRIT PETITION NO. 7324 OF 2025

BAPU RAMDAS MORE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

943 WRIT PETITION NO. 7325 OF 2025

ANNAPURNA SHESHERAO POTE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND
945 WRIT PETITION NO. 7327 OF 2025
RANJANA SUNIL MALI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
949 WRIT PETITION NO. 7332 OF 2025
AJINATH GOPINATH MURKUTE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
951 WRIT PETITION NO. 7335 OF 2025
KAVITA BABULAL THAKARE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
952 WRIT PETITION NO. 7336 OF 2025
POOJA SUBHASH PHOLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
953 WRIT PETITION NO. 7337 OF 2025
VINITA SHIVDAS BHANDARI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
963 WRIT PETITION NO. 7350 OF 2025
SANGITA DEVIDAS THAKARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. N. L. Chaudhari, Advocate for the Petitioners
Mr. S. D. Ghayal, Addl. G.P., Mr. M. M. Nerlikar, Addl. G.P., Mr. R. K. Ingole, AGP, Ms Neha B. Kamble, AGP, Mr. S. V. Hange, AGP and Ms S. S. Joshi, AGP for the Respondents – State in respective Petitions
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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 20.06.2025

PER COURT :-

1. In all these matters, the identically placed Petitioners stand on identical footing with the Petitioners who are covered by the judgment delivered by this Court in ***Madhukar s/o Bhawanrao Sadgir & Ors. Vs. State of Maharashtra & Ors., 2019(2) Mh.L.J. 119.***

2. For the sake of brevity, we deem it appropriate to make a reference to the fact that these Petitioners have been appointed by the concerned Respondent Institutions as Assistant Teachers and/or Class III and Class IV employees in the Post Basic Government Ashram Schools. They were called upon to participate in a selection process and after conducting interviews, they were selected as Assistant Teachers/class III/IV non-teaching staff category.

3. In ***Madhukar Sadgir*** (Supra), this Court has concluded in paragraph Nos. 14 to 22, as under :

“14. In the present case majority of the persons have been appointed prior to ten years and during the pendency of the writ petition some of them have completed ten years. They are regularly working on the said posts on meagre honorarium. The government is expected to be a mo-tel litigant.

15. One needs to keep in mind that these petitioners were appointed as the respondents were not getting Assistant Teachers so also Class-III and Class-IV employees to officiate in the government tribal ashram school run under the Tribal Development Department in the remote tribal areas. The respondents also did not conduct the selection process for all these years. Keeping the petitioners for a long period on honorarium would certainly amount to their exploitation.

16. Exceptional circumstances exist to consider the case of the petitioners for regularization of atleast those who have completed ten years of service as laid down in the case of Secretary, State of Karnataka and others vs. Umadevi and others (supra).

17. The following circumstances persuades us to consider the case of the petitioners for regularization of those who have completed ten years in service:

(1) The posts on which the petitioners are appointed are sanctioned posts.

(2) The work load is available.

(3) The petitioners have agreed to officiate at the time when the respondents were not getting the necessary teaching and non-teaching staff to work in remote tribal areas and more particularly when the means of communication and transportation were scarce.

(4) The respondents have not undertaken selection process for all these years to fill in the posts held by the petitioners.

(5) The petitioners are working continuously for ten years or more on meagre honorarium.

(6) Asking the petitioners to continue to work on meagre honorarium for such a long period would tantamount to their exploitation not expected from the welfare State. The State is expected to be a model litigant.

18. We have considered the case of only those petitioners who have completed ten years or more in the service.

19. The petitioners and the respondents have given the details of the number of years the petitioners have worked. During the pendency of the present writ petition some of the petitioners are terminated from the service. We would not be considering the case of the petitioners who are terminated from the service prior to the completion of ten years. However, those petitioners who have completed ten years of service and in spite of pendency of the writ petition are terminated are required to be reinstated.

20. There is not much difference in the chart given by the petitioners and the State with regard to the number of years the petitioners had worked.

21. In light of the above, we pass the following order:

ORDER

(i) The respondents shall regularize the services of the petitioners who have completed ten years of service with effect from the date they have completed ten years or the date of filing of writ petition whichever is later.

(ii) Those petitioners who are terminated after completion of ten years of service during the pendency of the writ petition shall be reinstated and shall be granted regularization from the date they have filed the petition or after completion of ten years of service whichever is later.

(iii) For all practical purposes the services of the petitioners shall be considered regular from the date as observed above. However, we may not grant them actual financial benefit for the period prior to the present order. They will be entitled for the regular pay scale from 1-11-2018.

(iv) The respondents shall count the services of the petitioners from their date of appointment continuously for counting ten years of their service.

22. We have not considered the cases of those petitioners who have not completed ten years of their service. We leave it to the respondent-State to consider their case on its own merits and as per their policy.”

4. Pursuant to the aforesaid directions, several benches of this Court have passed similar orders in similar matters wherein the Petitioners were employed on identical service conditions. It has been reiterated that those who have worked for 10 years or more, would be granted regularisation. Those who have been terminated after completion of 10 years of service, shall be reinstated and shall be granted regularisation. It was also directed that those who have not completed 10 years in employment, will have to wait till they complete the said period and it is thereafter, that they would be entitled for benefits similar to those that have been granted in ***Madhukar s/o Bhagvanrao Sadgir*** (Supra).

5. Since all these Petitioners are identically placed and recently this Court has delivered a judgment dated 30.01.2025, to which one of us is a party (Ravindra V. Ghuge, J.), in ***Writ Petition No.6693 of 2023 (Namdeo Tukaram Dhonnar and others Vs. The State of Maharashtra and others)*** and group of cases, at the Principal Seat, we direct that the conclusions drawn in the said judgment would squarely apply even to the case of these Petitioners.

6. In short, those who have completed 10 years, would be subjected to the verification exercise as directed in ***Madhukar s/o Bhagvanrao Sadgir*** (Supra). Those who have not completed 10 years in service, would not be entitled to the same benefit until they complete 10 years. To the extent of parity in wages, the view taken by this Court to which one of us (Ravindra V. Ghuge, J.) is a party while delivering an order on 29.11.2024, in ***Interim Application No.1418 of 2024 in Writ Petition No.13177 of 2023 (Sandip Ganpat Hadbal & Ors. vs. The State of Maharashtra & Ors.)***, these Petitioners would also be entitled for the same relief as regards the payment of salaries.

7. Hence, **these Writ Petitions are partly allowed** and the directions set out below paragraph 18 [a], [b] and [c] in the judgment in ***Namdeo Tukaram Dhonnar*** (supra), would also be applicable to these Petitioners.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]