

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

(15) WRIT PETITION NO. 6840 OF 2025

1. Umesh Ashok Jopale
2. Sachin Kalu Chauare
3. Punam Bhagwan Pawar
4. Laxmikant Mohan Bhoys. ... Petitioners

versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department
Mantralaya, Mumbai -32 .
2. The State of Maharashtra
Through Secretary, the Finance
Department, Mantralaya, Mumbai -32
3. The Commissioner,
Tribal Development Department,
Adivasi Bhavan, Old Agra Road,
Nashik, Dist. Nashik.
4. The Project Officer,
Tribal Integrity Development Project,
Kalvan, District Nashik ... Respondents

AND

(20) WRIT PETITION NO. 8404 OF 2025

1. Gurunath Suresh Adaga
 2. Anjana Yeshwant Waghmare
 3. Mangala Naresh Pawar
 4. Mai Sonu Sabale ... Petitioners
- versus**

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32
 2. The State of Maharashtra,
Through Secretary, the Finance
Department, Mantralaya, Mumbai -32
 3. The Commissioner,
Tribal Development Department,
Adivasi Bhavan, Old Agra Road,
Nashik, Dist. Nashik.
 4. The Project Officer,
Tribal Integrity Development Project,
Kalvan, District Nashik
 5. The Project Officer,
Tribal Integrity Development Project,
Dahanu, District Palghar
- ... Respondents

...
Mr.Vivek V. Salunke i/b. Mr.N.L.Chaudhari for the Petitioners in both the Petitions.

Mr.Siddheshwar B. Kalel, AGP for Respondent Nos. 1 to 5, State in WP No. 6840 of 2025.

Mr.A.K.Naik, AGP for Respondent Nos. 1 to 5, State in WP No. 8404 of 2025.

...
**CORAM : RAVINDRA V. GHUGE &
M. M. SATHAYE, JJ.**

DATE : 2nd July, 2025

ORAL JUDGMENT (PER: RAVINDRA V. GHUGE, J.)

1. The issue raised in 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 (as His Lordship then was) & R. G. Avachat, J.], vide Judgment dated 31st October, 2018, delivered in Writ Petition No.5867 of 2015, filed by ***Madhukar s/o Bhavanrao Sadgir and others v/s. The 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 No.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 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.*

4. In view of the above, only those Petitioners who have completed 10 years, would be covered by the above directions, 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 AGPs submit 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 s/o Bhavanrao Sadgir and others (supra)***.

6. We, therefore, deem it appropriate to grant such financial benefits of arrears of the pay scale as stated above, from the date of the

completion of the 10 years in employment. Insofar as the Petitioners, who have not completed 10 years as on date, as observed by this Court in its order dated 29th November, 2024, in ***Interim Application No.1418 of 2024 in Writ Petition No.13177 of 2023 (Sandip Ganpat Hadbal & Ors. v/s. The State of Maharashtra and Ors.)***, minimum pay in the lowest pay grade inclusive of dearness allowance, would be available to such employees from the dates of the filing of these Petitions.

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

(M. M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)