

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

WRIT PETITION NO. 11349 OF 2025

Nitin Baliram Gharat And Ors. ...Petitioners

Versus

The State of Maharashtra
Through its Secretary,
Tribal Development Department And Ors. ...Respondents

**WITH
WRIT PETITION NO. 11352 OF 2025**

Vaibhav Shankar Gavit And Ors. ...Petitioners

Versus

The State of Maharashtra
Through its Secretary,
Tribal Development Department And Ors. ...Respondents

**WITH
WRIT PETITION NO. 11351 OF 2025**

Kirti Kisan Shinde And Ors. ...Petitioners

Versus

The State of Maharashtra
Through its Secretary,
Tribal Development Department And Ors. ...Respondents

**WITH
WRIT PETITION NO. 11353 OF 2025**

Madhukar Hari Khandavi ...Petitioner

Versus

The State of Maharashtra
Through its Secretary,
Tribal Development Department ...Respondent

**WITH
WRIT PETITION NO. 11354 OF 2025**

Rameshwa Laxman Gavit And Ors.	...Petitioners
Versus	
The State of Maharashtra Through its Secretary, Tribal Development Department And Ors.	...Respondents

**WITH
WRIT PETITION NO. 7974 OF 2025**

Jayashree Nivratti Wagh And Ors.	...Petitioners
Versus	
The State of Maharashtra Through its Secretary, Tribal Development Department And Ors.	...Respondents

**WITH
WRIT PETITION NO. 11350 OF 2025**

Mohan Keshav Bhusare	...Petitioner
Versus	
The State of Maharashtra Through its Secretary And Ors.	...Respondents

**WITH
WRIT PETITION NO. 10131 OF 2025**

Nilam Bhaurao Khambait And Ors.	...Petitioners
Versus	
The State of Maharashtra Through its Secretary And Ors.	...Respondents

**WITH
WRIT PETITION NO. 10521 OF 2025**

Sita Bhagwan Gavali	...Petitioner
Versus	
The State of Maharashtra Through its Secretary And Ors.	...Respondents

Mr. N. L. Chaudhari a/w Mr. Vivek Vijay Salunke & Mr. Manthan Chaudhari, Advocates for the Petitioners.

Dr. Birendra Saraf, A.G. a/w Ms. Neha Bhide, G.P and Mr. Vaibhav Charalwar, 'B' Panel for the State/Respondent in WP/11349/2025.

Dr. Birendra Saraf, A.G. a/w Ms. Neha Bhide, G.P, Mr. P. P. Kakade, Addl.G.P and Ms. Priyanka Chavan, AGP for the State/Respondent in WP/11352/2025.

Mr. A. R. Deolekar, AGP for the State/Respondent in WP/11351/2025.

Mrs. Nisha M. Mehra, AGP for the State/Respondent in WP/11353/2025.

Ms. P. N. Diwan, AGP for the State/Respondent in WP/11354/2025.

Mrs. R. A. Salunkhe, AGP for the State/Respondent in WP/7974/2025.

Mr. A. C. Bhadang, AGP for the State/Respondent in WP/11350/2025.

Mr. A. K. Naik, AGP for the State/Respondent in WP/10131/2025.

Mr. D. S. Deshmukh, AGP for the State/Respondent in WP/10521/2025.

Ms. Diksha Patil, Law Officer, Tribal Development Department is present in the Court.

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

DATE : 19th SEPTEMBER, 2025.

P.C. :

WRIT PETITION NO. 10521 OF 2025

1. This Petition be deleted from this list of cases since it involves a different cause of action. The said Petition be listed for "Admission Hearing" on 29th September, 2025.

WRIT PETITION NO. 11349 OF 2025

2. The learned Advocate for the Petitioners submits on instructions that the following Petitioners desire to be deleted from

the instant proceedings :-

Petitioner Number	Name of the Petitioner
3	Vijay Krushna Padghe
4	Harishchandra Pudlik Thakre
5	Sanjiwani Govind Gore
6	Vasant Dhawalu Padher

3. In view of the same, on instructions, deletion is permitted. Deletion be carried out forthwith.

WRIT PETITION NO. 11352 OF 2025
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WRIT PETITION NO. 11350 OF 2025
 WITH
WRIT PETITION NO. 10131 OF 2025

4. The issue raised in all these Petitions is no longer *res-integra*. The Petitioners are praying for regularization and permanency in the Government Ashram Schools. They rely on the judgment dated 31st October 2018, delivered by this Court [*Coram: S. V Gangapurwala, ACJ (as His Lordship then was) & R. G.*

*Avachat, J.] in Writ Petition No. 5867 of 2015, filed by **Madhukar Bhagwanrao Sadgir v/s. State of Maharashtra and Others** and 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. It was concluded that those candidates who had completed 10 years, would be considered for regularization by the State of Maharashtra after conducting a verification exercise.*

5. To be specific, this Court has held in paragraph nos. 9 to 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 no. 21(i) & (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 no. 21(i) & (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 no. 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 1st November 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 1st November 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 21st

October 2022, we grant further period to the State Government in order to avoid any mistake or discrepancy, to complete such exercise of verification, till 30th November 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 31st January 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 15th March 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 15th April 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.”

6. The learned Advocate General has canvassed that the State Government has now introduced a policy of outsourcing several categories of employees in the State of Maharashtra. This contention is made on instructions from Ms. Diksha Patil, Law Officer, Tribal Development Department. As a consequence, certain types and categories of work and activities would be outsourced as a matter of policy. Insofar as the teachers being engaged through outsourcing from particular companies, the State Government has decided to accept the nominations of proposed candidates, who have necessarily been screened through the Pavitra Portal Selection Pranali. No person *de-hors* the Pavitra Portal Selection Pranali, would be engaged even if the company recommends such candidates. Such companies would be under an obligation to recommend those candidates, who have cleared the Pavitra Portal Selection Pranali. Needless to state, the candidates who have been filtered through the Pavitra Portal Selection Pranali, would have acquired the State Teacher Eligibility Test (**STET**) or the Central Teacher Eligibility Test (**CTET**) qualification.

7. The learned Advocate General has canvassed that the teachers necessarily need to be STET or CTET qualified. Most of the Petitioners are not STET or CTET qualified. He further submits that insofar as Teachers are concerned, the permanent vacant posts available, would be filled in by regular selection process in future and such candidates would be engaged in the service of the State Government. Insofar as the non-teaching category is concerned, some categories like the peons or those falling in Class-IV Category/multipurpose staff, would be engaged through the outsourced agencies as per the policy of the State.

8. The learned Advocate Shri. Chaudhari has placed strong reliance on the order passed by the Hon'ble Supreme Court dated 20th August 2020, delivered in Special Leave Petition (Civil) Diary No. 12338 of 2020 (*The State of Maharashtra & Ors. Etc. v/s. Madhukar Bhagwanrao Sadgir & Ors. Etc.*), wherein the State Government was directed to regularize the services of those employees, who had completed 10 years in service on contractual basis, within 3 months with a rider that those who are regularized as Primary Teachers, would acquire the TET qualification within a period of 5 years, in default of which, the State Government shall terminate their services.

9. We are of the view that, when the Hon'ble Supreme Court issued the aforesaid direction vide the order dated 20th August 2020, all such teachers were put on alert all over the State. At the same time, litigation involving large number of teachers had reached this Court with regard to the acquisition of TET qualification. *Status quo* order conditionally protecting their service, was passed. A major chunk of such matters came up before the Hon'ble Supreme Court in Civil Appeal No. 1385 of 2025 and connected Appeal (***Anjuman Ishaat-E-Taleem Trust v/s. The State of Maharashtra & Others***) and the Hon'ble Supreme Court has delivered a judgment on 1st September 2025 recording therein as under :-

a. Those teachers, who had been inducted prior to the advent of the TET Mandate on 13th February 2013, and have less than 5 years for retirement, need not acquire the TET qualification. However, if they desire promotion, they shall acquire the said qualification.

b. Similar category of teachers, who have more than 5 years for retirement, shall necessarily acquire the TET qualification within 2 years and until then, they would not be promoted.

c. Those candidates, who are eligible for promotion and have more than 5 years for retirement, will have to acquire the TET qualification within 2 years, failing which, they would stand terminated after the completion of 2 years.

10. In view of the above, we observe that though, on the one hand, the State Government would carry out a verification exercise as is directed in *Madhukar Bhagwanrao Sadgir* (*supra*) and *Pandurang Hari Shelke* (*supra*), those teachers who do not have the TET qualification, would not be terminated and would be continued in employment for a further period of 2 years with effect from 1st September, 2025 until 1st September 2027, to enable them to acquire the TET qualification, failing which, their contractual service would be brought to an end from 2nd September 2027.

11. Needless to state, those who acquire the STET or CTET qualification within such period, would then be granted regularization as 'Assistant Teachers' depending on the availability of the permanent vacant posts. If the posts have exhausted, they would be continued until further vacancies arise and would be absorbed in a staggered manner.

12. All such Petitioners, who have not completed 10 years

in service, either in the teaching or non-teaching category, would not stand protected. Nevertheless, they would be entitled, along with all others, for parity in wages in the light of order of this Court passed in Interim Application No. 1418 of 2024 in Writ Petition No. 13177 of 2023, on 29th November 2024 (***Sandip Ganpat Hadbal & Ors. v/s. The State of Maharashtra & Ors.***).

13. As is held in paragraph no. 12 in ***Madhukar Bhagwanrao Sadgir*** (*supra*), the concerned department has to verify as to which of the Petitioners have completed 10 years of service as Teachers, were interviewed prior to their appointment and were found qualified and appointed. If this aspect is not found, then a reasoned order has to be passed while rejecting the claim.

14. Insofar as those Petitioners, who have completed 10 years in service on contractual basis and do not fall in the Teachers' Category (Non-teaching Staff), they would be considered depending on the availability of permanent vacant posts, in the light of the guidelines set out in ***Madhukar Bhagwanrao Sadgir*** (*supra*) and ***Pandurang Hari Shelke*** (*supra*) and the policy of State Government. If any of the Petitioners is found to be ineligible for

whatever reason, as was held in *Pandurang Hari Shelke* (*supra*), the Government would pass a reasoned order and the said order would be served upon the concerned Petitioner, who would then be at liberty to assail the said decision before the appropriate forum.

15. In view of the above directions set out in paragraph nos. 10 to 14, **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.]

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