



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.373 OF 2024

1. Sunil s/o Laxman Jakkulwar, age 39 years,
Occupation Nil, r/o At Jhinganur, Post
Jhinganur, Tq. Sironcha, Dist. Gadchiroli.

... PETITIONER

VERSUS

1. State of Maharashtra, through its
Secretary, Tribal Development Department,
Mantralaya, Mumbai – 32.
2. The Commissioner, Tribal Development
Department, Adiwasi Bhawan, Old Agra
Road, Nashik – 42 002.
3. The Additional Commissioner, Tribal
Development Department, Nagpur Region,
Nagpur, Adiwasi Vikas Bhawan, Amravati
Road, Giripeth, Nagpur 440 010
4. The Project Officer, Integrated Tribal
Development Project, Aheri, Near BSNL
office, Tq. Aheri, Dist. Gadchiroli.

... RESPONDENTS

Shri Shankar Borkute, Advocate for the petitioner.

Ms Dipali Sapkal, Assistant Government Pleader for respondent nos.
1 to 4.

CORAM : SMT. M.S. JAWALKAR AND PRAVIN S. PATIL, JJ.

DATE : 11.07.2025.

ORAL JUDGMENT : (Per : Pravin S. Patil, J.)

Heard. **RULE.** Rule is made returnable forthwith.

2. The matter is taken up for final disposal by consent of the parties.

3. By this petition, the petitioner is challenging the Communication dated 23.08.2023 issued by the respondent no. 4 thereby denying the benefits of Government Resolution ('GR') dated 06.02.2023 to the petitioner on the ground that he is not possessing training qualification of D.Ed.

4. It is the case of the petitioner that he came to be appointed as untrained Primary Teacher on clear and vacant posts at Government Ashram School, Jhinganur, Tq. Sironcha, District Gadchiroli on 02.01.2012. According to him, he has completed 10 years of service on 02.01.2022, and therefore, he is entitled for the benefits of the said GR.

5. The petitioner has relied upon the judgment of this Court in *Writ Petition No.5867 of 2015 (Madhukar s/o Bhavanrao Sadgir and ors. vs. State of Maharashtra and ors.) dated 31.10.2018*, wherein also, somewhat identical issue was under consideration and this Court held that the employees, who are working since more than 10 years should

be regularized and entitled for the service benefits with effect from the date when they have completed 10 years of service. It is also made it clear that for all practical purposes the services of the said employees shall be considered as regular employee. However, without actual financial benefits for the period prior to the order. Counsellor

6. *Per contra*, learned Assistant Government Pleader appearing for the State vehemently opposes the petition by relying upon the GR dated 06.02.2023 and submitted that as the petitioner has not completed his qualification of D.Ed., he is untrained teacher, and for regular appointment of primary teacher, D.Ed. is the required qualification hence his services cannot be regularized and prayed for dismissal of the petition as same being devoid of merits.

7. Perusal of the GR dated 06.02.2023 clearly demonstrates that the Government has taken a policy decision that the teaching as well as non-teaching staff, who are continuously working since last 10 years, should be regularized as per their qualifications in their respective posts, and accordingly, Appointing Authorities were directed to issue appropriate orders to them. In the said GR, it is nowhere mentioned that the persons who had completed 10 years of service should possess training qualification or any other equivalent

qualification as mentioned in the impugned order/communication. Rather it is stated that as per their qualification and available vacant post, their services should be regularized.

8. In view of the above, we are of the considered opinion that the impugned order dated 23.08.2023 denying the regularization to the services of the petitioner on the ground of the petitioner not possessing the training qualification is *per se* illegal and contrary to the GR dated 06.02.2023

9. In view of the above, the impugned order/communication dated 23.08.2023 issued by the respondent no. 4 is hereby quash and set aside. The Respondents are directed to continue the petitioner on the post of Primary School Teacher and to grant the benefits of regularization of services as per the GR.

10. The Writ Petition is allowed. Rule is made absolute on aforesaid terms. No costs.

(PRAVIN S. PATIL, J.)

(SMT. M.S. JAWALKAR, J.)

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