

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

WRIT PETITION NO. 2341/2023

Omendra Sukharam Tarone and Ors.

Vs.

The State of Maharashtra and Ors.

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

Court's or Judge's orders

Mr. N. L. Chaudhari, Advocate for Petitioner.
Mr. S. S. Hulke, A.G.P. for Respondent Nos.1 to 3/State.
Mr. R. S. Khobragade, Advocate for Respondent Nos.4 and 5.

CORAM : NITIN W. SAMBRE AND

MRS.VRUSHALI V. JOSHI, JJ.

DATED : 13/03/2025.

. We have heard the respective Counsel for some time.

2. Our attention is invited to the order dated 03.12.2024 passed by this Court, which reads thus :

“The petition seeks regularization of teachers appointed with Zilla Parishad, Bhandara for imparting education in the schools run by them, specifically those persons, who have completed 10 years of service, whose services were engaged on account of the ban on recruitment imposed by the State. In respect of similarly placed persons, relating to the Government, run Ashram Schools. the learned Division Bench of this Court in Writ Petition No. 5867/2016 (Madhukar s/o. Bhavanrao Sadgir Vs. The State of Maharashtra and others) and connected matters decided on 31.10.2018 (page No. 85) regularization has been directed, of the persons, who have completed 10 yrs of service. Similar is the position in Writ Petition No. 259/2019 which has been confirmed by the Hon’ble Apex Court by dismissing a challenge raised there against in SLP (Civil) Diary No. 1233/2020 decided on 20.8.2020 (page No. 98) subject to completion

of TET within a period of five years. In another batch of petitions, Satappa Krushna Pawar Vs. State and others (Writ Petition No. 529/2019) decided on 16.12.2020, similar directions have been passed (page No. 96) which is also in regard to the teachers employed in the Ashram Schools.

2. In the instant matter, the petitioners are the teachers working in the various schools run by the Zilla Parishad, Bhandara since last more than 10 years. There is no reason, since the workload is available, it is contended why a similar treatment should not be afforded to them. Learned AGP to take appropriate instructions.

3. List the matter on 17.12.2024.”

3. Since this Court had directed the Assistant Government Pleader to take instructions in the matter, the State Government has filed reply thereby authorizing respondent No.3 – Deputy Director of Education in the matter.

4. The State Government has tried to carve out an exception to the events which are referred to in order dated 03.12.2024 (supra) on the ground of the policy reflected in the Government Resolution dated 09.02.2018.

5. The learned Assistant Government Pleader has invited our attention to the Government Resolution dated 09.02.2018 so as to claim that the policy does not permit the services of contractual employees like the petitioners to be regularized. It is also brought to our notice through the aforesaid affidavit that the academic criteria for the post through which the petitioners are seeking regularization is that of through the TET and TAIT for which they are not

qualified.

6. The fact that it is the case of the petitioners that they are continued in the employment for more than 10 years.

7. The another aspect of the matter is, the policy reflected in the Government Resolution dated 09.02.2018 is prospective in nature and not retrospective so as to claim that the services of the petitioners are governed by the said Resolution.

8. Apart from above, the Hon'ble Apex Court has dismissed the Special Leave Petition (Civil) Diary No. (s)12338/2020 on 20.08.2020 wherein for completion of/ acquiring the qualification of TET within a period of five years is allowed in the similar facts and circumstances.

9. In the aforesaid background, the claim that the petitioners will not be entitled for the relief of regularization based on the order which is referred to in the forgoing reproduced order dated 03.12.2024 will be contrary to the judicial principles and discipline to be followed/adopted by this Court. Once the similarly placed persons are granted relief not only by this Court but confirmed through the Hon'ble Apex Court, there is no exception carved out by the respondents to substantiate their claim that the petitioners even though are similarly placed are not entitled for such relief.

10. That being so, we deem it appropriate to allow the present writ petition by directing the respondent State

Government so also the Zilla Parishad to regularize the services of the petitioners within a period of four months from today with all the consequential benefits.

11. Needless to clarify that the petitioners shall not be claiming any monetary benefits in the form of back wages till the date of regularization.

12. However, for all other practical purpose, the services rendered by the petitioners shall be considered.

13. The petition stands allowed in the above terms.

14. In case, if the petitioners fail to acquire the requisite qualification of TET and TAIT within five years from today as was directed in the case of similarly placed candidates by the Hon'ble Apex Court, the services of the petitioners shall be liable for termination with an understanding that no further extension shall be granted on whatsoever grounds.

15. Needless to clarify that the benefits under the present order shall be extended to the candidates, who have completed ten years of service with the respondent may be with technical Branches. It is for the respondent Zilla Parishad to deal with the claim of the petitioners as to whether they have completed ten years of service on whom the benefit under this order can only be extended.

(MRS. VRUSHALI V. JOSHI, J.) (NITIN W. SAMBRE, J.)