



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

WRIT PETITION NO.7743 OF 2025

[SHRI Arjun Nagorao Warkhade Vs. State of Maharashtra and others]

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

Court's or Judge's order

Shri S.S. Patil, Counsel for Petitioner.

Shri H.D. Marathe, Assistant Government Pleader for Respondent Nos.1, 3, 4 and 5.

CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.

DATE : 23rd DECEMBER, 2025.

CIVIL APPLICATION (CAW) STAMP NO.29377 OF 2025 :

1. Heard.
2. The learned counsel for the petitioner has tendered across the bar a copy of the application for amendment. The application is taken on record and it be registered.
3. For the reasons stated in the application, the application is allowed. Necessary amendment be carried out forthwith.
4. The civil application stands disposed of accordingly.

WRIT PETITION NO.7743 OF 2025 :

1. Heard learned counsel for the petitioners.
2. In this petition, the petitioner claims to have worked as Safai Kamgar in respondent No. 2 Tribal Boys Government Hostel. A prayer is made for direction to respondent Nos. 1 to 5 to not to terminate the services of the petitioners.
3. The issue involved regarding the regularization and permanency has been answered succinctly by this Court at Aurangabad Bench in the judgment dated 19/09/2025 in *Writ Petition No. 11349/2025 (Nitin Baliram Gharat and Ors. V/s. The State of Maharashtra and ors.)* and

other connected petitions. In which, this Court has dealt with judicial developments and policy taken by the State in detailed. The following observations would be relevant for deciding the controversy:

*“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.**).”*

4. In the aforesaid background, the same analogy is adopted here and the present petition is **disposed of** as per directions given in para 10 to 14 in the case of **Nitin Baliram Gharat (supra)**, which are reproduced as under:

“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."*

5. In the aforesaid background, the respondents are directed to act in terms of para 4 of this order and as passed in the case of **Nitin Baliram**

Gharat (supra). Needless to mention that we expect that the concerned authorities to complete the said exercise within a period of 180 days.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)