

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1131 OF 2026

Amit Sarjerao Suryawanshi And Anr ...Petitioners
Vs
The State Of Maharashtra And Ors ...Respondents

Mr. Sagar Mane a/w. Rushikesh D. Jagdale, Neha A. Rarakate, Advocate for petitioners.

Mr. Vikas M. Mali, AGP for respondents-State.

Coram : Madhav J. Jamdar &
Pravin S. Patil, JJ.

Date : April 18, 2026.

P. C. :

1. The petitioners approached to this Court with a prayer to include their names in the proposal dated 15th November 2019 submitted by Respondent No.5 to Respondent No.3 in respect of other identically situated employees for absorption against vacant posts of peon available on the establishment of Respondent No.5–College, and consequently to issue appropriate directions in that regard.
2. It is an undisputed position that Petitioner No.1 was appointed on 1st April 2015 and Petitioner No.2 was appointed on 8th May 2014 on

the establishment of Respondent No.5–College. Their services came to be terminated by Respondent No.5 on 31st December 2016. The petitioners challenged the said termination before the Labour Court by filing separate complaints. By order dated 6th August 2019, the Labour Court allowed the complaints filed by petitioners by passing separate order and directed reinstatement with continuity of service, along with payment of Rs.30,000/- and Rs.50,000/- respectively towards back wages to the petitioners.

3. The order dated 6th August 2019 was challenged by Respondent No.5–Management before the Industrial Court by filing separate revisions. The Industrial Court dismissed the revisions by order dated 12th August 2022 and upheld the findings recorded by the Labour Court.

4. It is the case of the petitioners that other co-employees, who were not granted permanency by Respondent No.5, also approached the Industrial Court seeking regularization of their services by filing Comp (ULP) No.4 of 2017. In the said proceeding, both the parties arrived at compromise. Management agreed to forward their names to State of Maharashtra for their absorption on respective post. In pursuance of same forwarded a proposal to the Joint Director of Technical Education, Pune on 28th June 2018. However, after forwarding the proposal respondent no.3 did not take effective steps in the matter.

5. In this background, the concerned employees approached before this Court by filing Writ Petition No.3119 of 2025 and Writ Petition No.11714 of 2022 to seek direction against respondent no.3 to decide the pending proposal. By order dated 19th January 2026, this Court disposed of the petition by directing the Joint Director of Technical Education to take an appropriate decision on the proposal pending before him.

6. The present petitioners, who were not party to the writ petition decided on 19th January 2026 requested respondent no.5 to include their names along with other employees for absorption on requisite post. But same was not accepted by respondent no.5. Hence, petitioners approached this Court seeking a limited relief that their names also be included in the list forwarded by Respondent No.5.

7. The learned AGP has placed on record a communication dated 14th July 2025 issued by the Joint Director of Technical Education, Pune, stating that unless the Government approves inclusion of names in the absorption list, the names of the petitioners cannot be included, and on that basis opposed the present petition.

8. In the present petition, it is an admitted position that the Labour Court, has directed reinstatement of the petitioners with continuity of service. The same was confirmed by the Industrial Court. In view of these judicial orders which are till date are in force, the petitioners have a

better claim to continue in service against available vacant posts. As such prima facie there should not been any impediment to include their names in the list

9. In light of the judicial orders in favour of the petitioners, we are of the considered opinion that their names ought to have been included by the Joint Director of Technical Education. The said authority has miserably failed to take into consideration the judicial orders passed by the Labour Court and the Industrial Court in favour of petitioners.

10. In the circumstances, we direct the respondents to include the names of the petitioners along with other employees in the proposal dated 15th November 2019 for regularization of services forwarded by Respondent No.5 to the Joint Director of Technical Education, Pune Division, Pune along with other employees. The same shall be considered positively by taking into consideration the judgment of Labour Court and Industrial Court.

11. With the above directions, the writ petition stands disposed of.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]