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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

43 WRIT PETITION NO.2461 OF 2022

CHETAN PRAMOD GANGELE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

44 WRIT PETITION NO.2463 OF 2022

YOGESH NATTHURAM JAWARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

45 WRIT PETITION NO.2464 OF 2022

VIJAY RAMDAS SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

46 WRIT PETITION NO.2465 OF 2022

VIPIN PRATAPSINGH PARDESHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

47 WRIT PETITION NO.2472 OF 2022

SANJAY VANILAL BHAVSAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

48 WRIT PETITION NO.2474 OF 2022

HARISHCHANDRA NAMDEO PAWAR
VERSUS

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THE STATE OF MAHARASHTRA AND OTHERS

AND

49 WRIT PETITION NO.2475 OF 2022

RAJASHREE GOVINDA SONAWANE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

AND

50 WRIT PETITION NO.2484 OF 2022

PRAVIN DHANRAJ JAGTAP

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

51 WRIT PETITION NO.2486 OF 2022

RENUKA DHANUSINGH NEKELE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

52 WRIT PETITION NO.2492 OF 2022

RAVI BHAGWANDAS VYAS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

WRIT PETITION NO.6292 OF 2022

SANDEEP ARUN WANI

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

WRIT PETITION NO.6293 OF 2022

SABIR AHEMAD SHAKIL AHEMAD MUJAWAR

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VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
WRIT PETITION NO.6294 OF 2022

JITENDRA BHIMSING PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
WRIT PETITION NO.6295 OF 2022

SHARAD VITTHAL BADGUJAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
WRIT PETITION NO.2473 OF 2022

VAISHALI BHIMRAO BHALERAO
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
WRIT PETITION NO.2470 OF 2022

BALASAHEB SHAMKANT WABLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr P. S. Gaikwad, Advocate for petitioners
Mr A. R. Kale, Mr S. K. Tambe, Mr S. G. Sangle, Mr P. K.
Lakhotiya, A.G.Ps. for respondents/State
Mr Maheshkumar S. Sonawane, Advocate for respondent No.4
Mr R.R. Bangar, Advocate for respondent No.5 in WP/2461/22
Mr D. G. Nagode, Advocate for respondent No.5 in WP/2463/22
Mr Bhushan Kulkarni, Advocate for respondent No.5 in
WP/2464/22
Mr D. B. Gaikwad, Advocate for respondent No.5 in WP/6292/22

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**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 20th June, 2022

PER COURT:

1. Identically placed six writ petitions, bearing Writ Petition Nos.6292/2022, 6293/2022, 6294/2022, 6295/2022, 2473/2022 and 2470/2022 are not on board today. By the consent of the parties, they are taken on board.

2. It is undisputed that in all these matters, the petitioners are either 'Accountants' or 'Data Entry Operators', working under the Taluka Health Officer, Chalisgaon. It is equally undisputed that each one of them has entered into a contractual service with the said office for a period of eleven months on an honourarium of Rs.5,000/- per month. No other allowances are payable to them. After completion of eleven months contractual service, the contract is to end by efflux of time. It is contended that, they are in the employment of respondent No.4 on the basis of such contractual service, ranging between 10 to 14 years.

3. Similarly situated petitioners had approached this Court in Writ Petition No.5252/2020 along with a large group of petitions,

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filed at Aurangabad, and by an order dated 24/11/2021, this Court concluded that, they cannot be granted regularization while working on a project with the Zilla Parishad. Each of these petitioners had accepted contractual service with eyes wide open and on consolidated payments.

4. We, therefore, find that, neither can we direct their regularization, nor could any such order be passed, for continuing them in service, in the light of the judgment in **Secretary, State of Karnataka and others v/s Umadevi (3) and others, (2006) 4 Supreme Court Cases 1.**

5. Since this Court observed in paragraph No.11 in it's aforesaid order dated 24/11/2021, the petitioners may approach the State Government with a request for regularization and the State Government would consider, whether their grievance could be redressed. The petitioners pray that this Court should also issue a similar order.

6. We find that the Hon'ble Apex Court has observed in Secretary, State of Karnataka V/s Umadevi (supra), that the appropriate authority may consider as a one time measure of granting regularization to such employees, who have completed

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more than 10 years. It calls for no debate that these petitioners cannot continue on contractual basis for their entire lifetime. Security of employment and pensionary and retiral benefits are inherently vital and decisive aspects, which enable a human being to live a life with dignity and respect. It is undisputed that the project under which they were appointed on contractual basis still continues and is executed through the Zilla Parishads in this State and funded by the Union of India under the National Health Mission.

7. In the aforesaid backdrop, these petitions are disposed off, with a direction to the Union of India and the State Government, to prepare a data of all such petitioners/employees, including those who have not approached the High Court or the Industrial Court, across the State of Maharashtra, and consider whether the Union of India and the State Government can introduce a measure for considering the absorption of such employees, in the light of the view expressed by the Hon'ble Apex Court in Secretary, State of Karnataka V/s Umadevi (supra).

8. We make it clear that, we have not expressed any opinion on the merits of the claim of these petitioners and it is left to the

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Union of India and the State Government to take a decision, keeping in view that the petitioners are approaching the Courts for seeking relief after having worked for more than 10 years on contractual basis. We expect the Union of India and the State Government to collect such data, on or before 20/10/2022 and take a policy decision as they may deem fit and appropriate, on or before 31/03/2023.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)

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