IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO. 3509 OF 2025

1. Hari Ramrao Upase,
age 31 years, Occupation Service
Ambulance Driver at Primary Health
Center, Mulaj, Tq. Omarga, District
Osmanabad.

2. Ganesh Rajendra Gaikwad,
age 31 years, Occupation Service
Ambulance Driver at Primary Health
Center, Diggi, Tq. Omarga, District
Osmanabad. **...Petitioners**

VERSUS

1 The State Of Maharashtra,
Through Its Secretary Department
of Public Health 10th Floor Complext
Building Premises G.T.Hospital
Mantralya, Mumbai.

2. The Director of Health Services
Saint George Hospital Compoind
P.D. Mello Road, Mumbai 400 001.

3. The Chief Executive Officer,
Zilla Parishad, Dharashiv,
District Dharashiv.

4. The District Health Officer,
Zilla Parishad, Dharashiv. **...Respondents**

...
Advocate for the Petitioner : Mr. Bhosale Sanjaykumar B.
AGP for Respondents No.1 and 2 -State: Mr. S. K. Tambe
Advocate for Respondents No.3 and 4 : Mr. S. B. Ghute
...

CORAM : SMT. VIBHA KANKANWADI &
SACHIN S. DESHMUKH, JJ.

Dated : June 18, 2026

JUDGMENT : (Per Smt. Vibha Kankanwadi, J.)

1. Leave to amend.

2. Rule. Rule is made returnable forthwith. Heard learned counsel for the petitioners and the respondents finally.

3. The petitioners are admittedly persons selected for service as Ambulance Drivers through an agency by the name of Shri Sant Gadge Baba Maharaj Berojgar Sanstha. They came to be appointed at the Primary Health Centre, Yeldari, on 01/01/2011 and have been serving till date. The petitioners contend that they are discharging duties similar to those of regular employees and are under the control of the Medical Officer and the Basic Health Officer, Zilla Parishad, Osmanabad.

4. The learned Counsel for the petitioners relies on the decision of this Court at the Principal Seat in *Nagendrayya P. Hiremath and Others vs. State of Maharashtra and Others*, Writ Petition Stamp No. 92250 of 2020 with companion matters, decided on 08/12/2020, wherein, in respect of similarly situated employees, it was held that their case was covered by Writ Petition No. 2247 of 2014 (*Dhiraj S.*

Wankhede and Others vs. The Zilla Parishad, Chandrapur and Others), decided on 20/11/2019. The petitioners were directed to be paid wages at the minimum of the pay scale in the lowest grade of the regular pay scale applicable to regular employees holding the same post, with effect from the date of the petition.

5. He further submits that the order passed by this Court has been confirmed by the Hon'ble Supreme Court in *Chief Executive Officer, Zilla Parishad, Solapur vs. Ashok Dhondiba Meher and Others*, Special Leave Petition (C) No. 8395 of 2021, decided on 23/03/2022, whereby the Special Leave Petitions filed by the respondents came to be dismissed.

6. He also submits that the State Government thereafter passed a Government Resolution dated 04/12/2024, thereby regularizing certain similarly situated employees working under the National Health Mission on a contractual basis and who have rendered service for more than ten years.

7. The learned Counsel for Respondent Nos. 3 and 4 submits that the petitioners were appointed through an agency on a contractual basis and that no proposal for their regularization has been

forwarded by them.

8. Here, the case of the petitioners is certainly covered by the judgments in *Dhiraj S. Wankhede* and *Nagendrayya P. Hiremath* (supra). So also, it is covered by the order in *Shaikh Matin Shaikh Amin vs. State of Maharashtra and Others*, Writ Petition No. 1413 of 2025, decided on 27/02/2025. Therefore, similar treatment needs to be given to the petitioners, and they are entitled to get equal pay as has been directed in the earlier two petitions.

9. In *Shaikh Matin Shaikh Amin* (supra), the fact was taken on record that in the earlier Division Bench matters, the request for regularization was refused and even that refusal was confirmed by the Hon'ble Supreme Court. However, in view of the Government Resolution dated 04/12/2024, whereby a policy decision has been taken to regularize the Ambulance Drivers who were engaged through contractors under the National Health Mission Scheme and who have put in more than ten years of service, the relief of directing Respondent Nos. 3 and 4 to forward a proposal to the State Government for regularization of the services of the petitioners also deserves to be granted.

10. With these observations, the writ petition is partly allowed.

11. The Respondent Nos. 3 and 4 are directed to pay to the petitioners, from the date of the petition, wages at the minimum of the pay scale in the lowest grade of the regular pay scale applicable to regular employees working as Ambulance Drivers. The arrears shall be paid within four months from today.

12. The Respondent Nos. 3 and 4 shall forward a proposal for regularization of the petitioners to Respondent Nos. 1 and 2 within a period of four weeks. The said proposal shall thereafter be scrutinized by Respondent Nos. 1 and 2 and, if the petitioners are found entitled, the benefit under the Government Resolution dated 04/12/2024 shall be extended to them. The entire exercise shall be completed within a period of three months thereafter.

13. Rule made absolute in the above terms.

(SACHIN S. DESHMUKH)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

vj gawade/-.