IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

BENCH AT AURANGABAD

WRIT PETITION NO.541 OF 2011

Khemchandra s/o Ramkrishna Mahajan,
Age 36 years, Occu. Service,
R/o At Post Asoda, Taluka and
District Jalgaon. … PETITIONER

VERSUS

1. The State of Maharashtra
through its Secretary,
School Education Department,
Mantralaya, Mumbai – 32
(Copy to be served on the
Government Pleader, High Court of
Judicature at Bombay,
Bench at Aurangabad)

2. The Education Officer (Secondary),
Zilla Parishad, Jalgaon.

3. Sarvodaya Education Societies
Sarwajanik Vidyalaya and
Junior College, Asoda,
Taluka and District Jalgaon,
through its Secretary

4. Director of Education,
(Secondary & Higher Secondary),
Maharashtra State, Pune … RESPONDENTS

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Ms Surekha Mahajan, Advocate for petitioner
Shri G.K. Thigale, A.G.P. for State

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CORAM: S.V. GANGAPURWALA AND A.I.S. CHEEMA, JJ.

DATED: 17th April, 2015.

ORAL JUDGMENT (Per S.V. Gangapurwala, J.):

1. The petitioner is appointed on 4.10.1995 as Part Time Librarian and is continued as such. Learned counsel for the petitioner submits that, as per the Government Resolution, as and when complete strength of students increases to 1000, the petitioner is to be considered as Full Time Librarian. The strength of the students increased from 3.12.1998. Learned counsel for the petitioner submits that, as such, the petitioner should be considered as Full Time Librarian from 3.12.1998.

2. We have heard the learned A.G.P. and the learned counsel for the management.

3. The order of the respondents that such petitioners would be considered Full Time from 2006 itself was a matter of challenge in various petitions before the Division Bench of this Court, at Nagpur. It was held that, the Librarians would be entitled to the benefit of post of Full Time Librarian from the date

the strength of students increased to 1000. We have gone through the staffing pattern. The strength of the students increased in the year 1998 above 1000.

4. In view of the above, we pass the following order :

(I) The petitioner shall be considered as a Full Time Librarian from April 1998 in view of the fact that the strength of the students on the said date was more than one thousand. The said date shall be considered for notional pay fixation so also for time bound promotion and other retiral and pensionary benefits. However, the petitioner would not be entitled for the difference of salary from April 1998 till 2006.

(II) Accordingly, the writ petition is disposed of. Rule disposed of. No costs.

(A.I.S. CHEEMA, J.) (S.V. GANGAPURWALA, J.)