

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6263 OF 2004
WITH
CIVIL APPLICATION NO. 4238 OF 2006

1. Pandit s/o Venkatrao Gaikwad
Age : 38 years, Occ : Service,
R/o Village Ranisawargaon,
Tq. Gangakhed, Dist. Parbhani.
 2. Rajkumar s/o Tanaji Panchal
Age : 31 years, Occ : Service,
R/o Village Ranisawargaon,
Tq. Gangakhed, Dist. Parbhani.
 3. Ambadas s/o Dadarao Jadhav
Age : 38 years, Occ : Service,
R/o Village Ranisawargaon,
Tq. Gangakhed, Dist. Parbhani.
 4. Dnyanoba s/o Bhanudas Bhosale
Age : 30 years, Occ : Service,
R/o Village Ranisawargaon,
Tq. Gangakhed, Dist. Parbhani.
 5. Nirmalabai Kisanrao More
Age : 39 years, Occ : Service,
R/o Village Ranisawargaon,
Tq. Gangakhed, Dist. Parbhani.
- ... Petitioners

Versus

1. The State of Maharashtra
through Secretary,
Social Welfare Department,
Mantralaya, Mumbai – 32.

(Copy to be served on Govt.
Pleader, High Court, Aurangabad)

2. The Authorized Officer and
Director, Social Welfare,
Maharashtra State.
3. District Social Welfare Officer,
Parbhani, Dist. Parbhani.

4. Adhayan Shikshan Prasarak Mandal
Ahmedpur, Dist. Latur,
through its Secretary,
Shri Dattatraya Ganpat More
Age : 55 years, Occ : Service,
R/o Village Ranisawargaon,
Tq. Gangakhed, Dist. Parbhani.
5. Renukamata Niwasi Matimand
Vidhyalaya, Ranisawargaon,
Tq. Gangakhed, Dist. Parbhani
through its Head Master. ... Respondents

.....
Mr. Pralhad Bachate, Advocate for petitioners
Mr. S. D. Ghayal, A.G.P. for respondent Nos. 1 to 3
Mr. V. D. Salunke, Advocate for respondent Nos. 4 and 5
.....

**CORAM : A. V. NIRGUDE AND
V. K. JADHAV, JJ.**

DATED : 12th OCTOBER, 2015

ORAL JUDGMENT (PER A.V. NIRGUDE, J.):

1. The petitioners are the employees appointed prior to 1999. In the year 1999, the Government of Maharashtra framed a policy of extending help/grants to the schools run for specially challenged students. According to this policy, such schools require registration certificate issued by the Commissioner of Handicapped i.e. authorized officer as per the provisions of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Protection) Act, 1995. Such certification is required to be renewed every year. The school in which the petitioners were employed was given such certification prior to 1999, but it was withdrawn by the authority since

the school does not comply with the requirements prescribed by the aforesaid Act. Such order was passed on 26.4.1999. Even the appeal filed against such order was dismissed. The school therefore, came before this Court by filing writ petition No. 936 of 2002. During pendency of said writ petition, the school authorities stated that they had removed deficiencies. The respondent State of Maharashtra admitted that the deficiencies were removed.

2. In the light of these developments, the petition was allowed on 26.3.2002 and directions were issued that the certificate should be issued to the petitioner school. Accordingly on 28.10.2002, the certificate was issued and salary of the petitioner was restored. The grievance of the petitioners is that though the certificate was issued in 2002, they were not granted the annual increments from 1999 to 2002. As per Clause (3) of Government Resolution dated 27.1.2004, it is proper that though the school does not get certificate of registration for few years and then it regains such certificate, the teachers and employees who are regular in service would get the increments, if not actual salary, during the period for which certificate was not issued. The Government of Maharashtra, by filing affidavit, has admitted the said position. Learned counsel for the petitioner states that despite making submissions, no positive steps are taken so far. Therefore, we are inclined to pass the following order.

3. The petitioners be paid the salary taking into consideration the annual increments supposedly given to them during the period from 1999-2000.

4. Writ petition is accordingly disposed of. Rule discharged.

5. In view of disposal of writ petition, civil application No. 4238 of 2006 is disposed of.

(V. K. JADHAV, J.)

(A. V. NIRGUDE, J.)

rlj/

