

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4482 OF 2012

Vijay S/o Rajendra Patil,
Age : 47 Years, Occ : Service as a
Assistant Teacher with
Sow. Anusayadevi Sonkawde Higher
Secondary School, Valandi,
At Post Valandi, Tq. Deoni,
Dist. Latur.

... PETITIONER

VERSUS

- 1] The State of Maharashtra,
Through its Chief Secretary,
Mantralaya,
Mumbai - 32.
- 2] The Director,
(Secndary and Higher Secondary)
Directorate of Education Maharashtra,
Central Administrative Building,
Pune-1.
- 3] The Deputy Director of Education,
Regional Office of the Deputy Director
of Education at Latur,
Dist. Latur.
- 4] The Superintendent,
Officer of the Pay Unit & G.P.F. Unit,
(Secondary Edu.), Zilla Parishad,
Latur, Dist. Latur.
- 5] Gramin Shikshan Prasarak Mandal,
Valandi, Tq. Deoni, Dist. Latur.
Through its President-
Dharma Girjappa Sonkawade.

- 6] The Principal/Head Master,
Mr. Vibhute,
Age : Major, Occu. Service,
Sow. Anusayadevi Sonkawde Higher
Secondary School, Valandi,
At Post Valandi, Tq. Deoni,
Dist. Latur.

... RESPONDENTS

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Advocate for Petitioner : Mr. S. R. Barlinge.
AGP for Respondent Nos.1 to 4 : Mr. S. K. Kadam.
Advocate for Respondent Nos.5 & 6 : Mr. V.D. Gunale.

CORAM : S.S. SHINDE & A.M. BADAR,JJ.
DATE : 29TH SEPTEMBER,2015.

PER COURT:

- 1] Heard learned counsel for the petitioner, learned AGP for respondent Nos. 1 to 4, and learned counsel for respondent Nos. 5 and 6.

- 2] This petition is filed with the following prayers :-

[B] By a writ of mandamus or any other appropriate writ, order or directions in the like nature, the respondent nos.6 & 6 be directed to complete the service book of the petitioner giving all the details of his continuous service w.e.f. 12-06-1993 and submit it to the Deputy Director of Education, Latur.

[C] By a writ of mandamus or any other appropriate writ, order or directions in the like nature, the respondent Nos.3 & 4 be directed to prepare salary details and pay the arrears of the salary of the petitioner within period of one month from the date of submission of the service book by the respondent nos.5 and 6.

[D] By a writ of mandamus or any other appropriate writ, order or direction in the like nature, the respondent Nos.3 and 4 be directed to award the senior scale to the petitioner from 08-07-2008 and also pay the arrears from that day to the petitioner.

3] Learned counsel appearing for respondent Nos. 5 and 6 in response to the prayer clause (B) submits that already, service book of the petitioner is submitted to the Deputy Director of Education, Latur Region, Latur. Learned counsel for the petitioner disputes this position and submits that service book of the petitioner is not submitted by respondent Nos. 5 and 6. He further submits that prayer clauses (C) and (D) are dependent upon the completion of service book by the respondents and submitting it to the Deputy Director of Education, Latur.

4] We direct the respondent No.3 to consider the grievance of the petitioner raised in this petition which is reflected in prayer clauses B to D. In case complete service book of the petitioner is not submitted by the respondent Nos. 5 and 6 to the respondent No.3, respondent No.3 should direct the respondent Nos. 5 and 6 to complete the service book keeping in view Rule 11 of the MEPS, Rules, 1981 and submit it within six weeks from today. Respondent No.3 will be at liberty to take appropriate action including withholding grants of respondent Nos. 5 and 6, in case the direction of the respondent No.3 are not followed by the respondent nos. 5 and 6.

5] After completion of such exercise within six weeks thereafter, the respondent No.3 to consider the request of the petitioners in prayer clause C and D and take appropriate decision, after hearing the petitioner and the concerned respondents. The entire exercise to be completed by the Deputy Director of Education, as expeditiously as possible, however, within 4 months from today.

It is made clear that we have not expressed any opinion on merit of the matter or about the entitlement of the petitioner and respondent No.3 shall take appropriate decision, based upon relevant record/documents, in accordance with law.

6] Writ petition stands disposed of on above terms. Parties to act upon authenticated copy of this order.

[A.M. BADAR, J]

[S.S. SHINDE, J]

grt/-