

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

WRIT PETITION NO. 4037 OF 2012
WITH CA/10802/2013 IN WP/4037/2012

ALKA GOPAL NEHETE
VERSUS
THE STATE OF MAH AND ORS

...
Advocate for Petitioner : Mr.Joshi Sujeet D
AGP for Respondents/State: Mr.D.V. Tele.

...
CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: APRIL 08, 2015

...

PER COURT:

Heard.

2 At the outset, learned Counsel for the petitioner confines his prayer to prayer clause (D) except claim of back-wages / arrears. The learned Counsel for the petitioner submits that since the academic year 1997-98, the strength of the students of respondent No.3 has exceeded more than 1000. He invited our attention to the annexures to the petition so as to show that as a matter of fact, strength of the students has exceeded 1000 from the academic year, 1997-98. In support of

his contention that the petitioner is entitled for the post of full time librarian, he places reliance on the unreported decision of the Division Bench of this Court in case of *Kiran Keshavrao Girhe & Ors. vs. State of Maharashtra thr. its Secretary, Department of School Education & Ors. in Writ Petition No.6630 of 2013* with companion writ petitions at Nagpur Bench and submits that in similar fact situation, the petitioners therein were held entitled to grant of up-gradation to the post of Full Time Librarian in terms of Government Resolution dated 28th June, 1994. It is not necessary to burden this order. Suffice it to say that the issue raised in this petition is squarely covered by the order of this Court in the case of *Kiran Keshavrao Girhe & Ors. vs. State of Maharashtra thr. its Secretary, Department of School Education & Ors. in Writ Petition No.6630 of 2013* with companion writ petitions.

3 Accordingly, the petitioner is held entitled to grant of up-gradation to the post of Full Time Librarian from the academic year, 1997-98. Though, the petitioner has given up his claim of arrears of salary, the other consequential benefits would be available to the petitioner notionally up to 2006.

As far as the prayer of the petitioner for graduate pay-scale is concerned, the authorities are directed to consider the same in the light of the judgment of this Court in case of *Sachin Shankar Divkar vs State of Maharashtra and others in Writ Petition No.177 of 2011* with companion writ petitions dated 28.4.2011

delivered at the Principal Seat, expeditiously.

Rule made absolute in above terms with no order
as to costs.

(P.R. BORA,, J)

(S.S. SHINDE, J)

kadam/