

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1154 OF 2015

(Mrs. Smita Manish Sawarkar (Ku. Smita Sudhakar Partakey) & Ors. vs. The State of Maharashtra thr. the Secretary, Department of School Education & Ors.)

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

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
S.B. SHUKRE, JJ.
MARCH 18, 2015.**

Heard Shri Kulkarni, learned counsel for the petitioners and Shri Patil, learned AGP for the respondents.

This Court has issued notice on 04.03.2015.

The petitioners claim to be fully qualified and eligible for being appointed as Librarian and worked in School where the strength of students was up to 1500. The prayer is to direct Respondent Nos. 1 to 4 to grant them upgradation as Full Time Librarian from the dates which they have mentioned in Annexure A.

The learned counsel for the petitioners submits that in the said Annexure in fifth column, dates on which status as Full Time Librarian has been actually granted is disclosed. The dates from which that status ought to have been conferred are given in the last column. According to him, the controversy is covered by the orders of this Court dated 28.01.2015 in Writ Petition Nos. 6630/2013, 6631/2013 and 6481 of 2013.

He submits that with similar directions, present writ petition can also be disposed of.

The learned AGP does not dispute in principle that the matter is covered, however, he states that the facts should be allowed to be verified in accordance with law.

In this situation, we direct the respondents to consider the claim of the petitioners for grant of the status as Full Time Librarian from the dates mentioned in the last column of said Annexure A, within a period of three months from today.

Shri Kulkarni, learned counsel has invited attention to the fact that the concerned Education Officer had already verified strength of the students and accordingly recommended grant of said status from the dates already mentioned in the last column of Annexure A.

This fact shall also be looked into by the State Government while undertaking this exercise.

Thus, writ petition is allowed in terms of prayer clause (ii) subject to the exercise of verification mentioned supra. However, there shall be no order as to costs.

JUDGE

JUDGE

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