

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

WRIT PETITION NO.5162 OF 2014.

National Urdu Education and Welfare Soc. and ors. ..vs.. State of Mah. and anr.

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

Court's or Judge's orders

Mr.C.A.Joshi, Adv. for the petitioners.
Ms.Kalyani Deshpande, AGP for resp.1 and 2.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATED : AUGUST 28, 2015.

Heard Shri C.A.Joshi, learned counsel for the petitioner and learned AGP for respondent nos.1 and 2.

Petitioner no.3 working with petitioner nos.1 and 2 as a Laboratory Attendant has been found surplus and is to be absorbed in some other school.

Grievance of petitioner no.3 is he must be absorbed on same post in same pay-scale for discharging same work i.e. same nature of duties.

Learned Assistant Government Pleader has submitted that after implementation of new staff justification as per policy decision dated 25th of November, 2005, on 23rd of November, 2013 the Government has resolved to treat post of Laboratory Attendant as Class-IV post i.e. equivalent to post of peon/Sepoy, Watchman, etc.

In view of this stand in reply, petitioner has filed C.A.No. 1044 of 2015 and sought to assail the said G.R. dated 23rd of October, 2013.

However, during argument learned AGP has invited our attention to a new G.R. dated 12th February, 2015. She submits that as per that G.R. earlier G.R. dated 23rd of October, 2013 is presently

suspended and the office of Education Department has been directed to maintain status quo. It is pointed out that the State Government has constituted a Committee under the Chairmanship of Commissioner (Education) and that Committee has to take further appropriate decision. After receipt of report of that Committee State Government will finalize further course of action.

Admittedly, petitioner is today working as Laboratory Attendant in very same school and is drawing salary as such. His salary has not been reduced and his nature of duty also has not been changed.

The decision dated 23rd of October, 2013 cannot be used against the petitioner as it has been stayed by the State Government itself.

In this situation, we find that apprehension of Adv.Joshi that the petitioner no.3 may be required to work as Class IV employee and perform other duties is misconceived.

We, however, protect his status and nature of duties with salary as of today until further orders in this respect are passed by respondent no.2. Before passing such order, respondent no.2 shall extend an opportunity of hearing to the petitioner no.3.

With these directions and keeping all rival contentions open, we dispose of the petition.

No costs.

JUDGE

JUDGE

Chute.