

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 11671 of 2015

District : Aurangabad

Jamil Ahmed s/o. Aziz Ahmed Pathan,
Age : 42 years,
Occupation : Service,
Presently working as Primary Teacher,
Zilla Parishad Primary School,
Khaparkheda, Centre Vita,
Taluka : Kannad,
District : Aurangabad. .. Petitioner.

versus

1. The State of Maharashtra.
2. The Secretary,
School Education & Sports
Department,
Mantralaya, Mumbai 400 032.
3. The Chief Executive Officer,
Zilla Parishad, Aurangabad. .. Respondents.

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*Ms. U.T. Pathan, Advocate, holding for
Mr. Y.M. Khan, Advocate, for the petitioner.*

*Mr. B.V. Virdhe, Asst. Government Pleader, for
respondent nos.1 and 2.*

Mr. S.A. Gaikwad, Advocate, for respondent no.3.

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**CORAM : S.S. SHINDE &
SANGITRAO S.PATIL, JJ.**

DATE : 2ND APRIL 2016

COURT'S ORDER (Per S.S. Shinde, J.):

1. Heard the learned Counsel appearing for the petitioner, the learned Asst. Government Pleader appearing for respondent nos.1 & 2 and the learned Counsel appearing for respondent no.3.

2. It is the submission of the learned Counsel appearing for the petitioner that the petitioner has filed application / representation dated 19th March 2011, to the Chief Executive Officer, Zilla Parishad, Aurangabad, stating therein that the petitioner should be appointed on the vacant post in Zilla Parishad, since he is a trained Teacher. It is submitted that inspite of constant persuasion of the respondents / authorities, there is no redressal of the grievance raised by the petitioner. It is submitted that in case of similarly situated employee, namely, Shri Lanke Yogesh Vasantrao, he is appointed and placed in regular pay scale. However, the petitioner's grievance is not redressed.

3. Upon considering the submissions made across the Bar and upon perusal of the documents placed on record, prima facie it appears that the petitioner

possesses requisite qualification. However, it further appears that the Chief Executive Officer, Zilla Parishad, Aurangabad, who is the competent authority, has not considered grievance of the petitioner.

4. Therefore, in the facts and circumstances of the case, we pass the following order :-

(a) The Chief Executive Officer, Zilla Parishad, Aurangabad, is directed to decide the application of the petitioner, dated 19th March 2011, keeping in view the contention of the petitioner that similarly situated employees have been absorbed in Zilla Parishad services and they are placed in regular pay scale.

(b) The petitioner to appear before respondent no.3 on 20th April 2016.

(c) Respondent no.3 i.e. Chief Executive Officer shall take decision on the application filed by the petitioner, on the same date or may fix the next date for hearing the petitioner and taking decision on his application for redressal of his grievance on its own merits. However, entire exercise is to be done by respondent no.3 as expeditiously as possible and preferably within twelve weeks from today, including communicating the decision so taken to the

petitioner.

5. With the above directions, the Writ Petition is disposed of.

6. Parties to act upon an authenticated copy of this order.

7. The learned Counsel appearing for respondent no.3 assures this Court, that this order will be communicated to respondent no.3 i.e. the Chief Executive Officer.

(SANGITRAO S. PATIL)
JUDGE

(S.S. SHINDE)
JUDGE

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