

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.280 OF 2014

Shobha Khandu Barahate and others	Petitioners
versus	
The State of Maharashtra and others	Respondents

Mr.J.G.Reddy for Petitioners.

Ms.Nisha Mehra, AGP, for Respondents 1 and 3.

CORAM : SHANTANU S. KEMKAR AND
PRAKASH D. NAIK, JJ.

DATE : 22nd November 2016

PC :

1. Heard learned counsel for Petitioners and learned AGP for Respondent nos.1 and 3. Rule. Learned AGP waives service for Respondent nos.1 and 3.

2. Considering the nature of controversy involved in this petition, service of notice to other Respondents is dispensed with. Forthwith taken up for final disposal.

3. In this petition, there are specific averments that the Petitioners have been employed with the primary and secondary schools and they belong to the category of teaching and non-teaching staff. The contention of the Petitioners is that for grant of time bound promotion/time bound higher pay scale the period for which the Petitioners have rendered service in the schools when they were

not receiving grant-in-aid, ought to be taken into consideration as a period of service.

4. *This issue is no longer res-integra.* The law has been laid down by this Court in case of **Shakeela Shaikh Fakruddin Vs. The State of Maharashtra and others**¹ with other connected writ petitions decided on 26th April 2012 by a Division Bench at Aurangabad of this Court. Similar view has been taken by this Court in the case of **Ajay Virji Valvi Vs. The State of Maharashtra**² decided on 26th April 2013.

5. For the reasons recorded in the aforesaid judgments, we pass following order :

(a) The concerned authority shall accept the proposals of the Petitioners for grant of time bound promotions to them in terms of the policy of the State Government;

(b) We direct that while considering the eligibility of the Petitioners for the benefits under the said scheme, completion of 12 years service shall be reckoned from the individual date of joining in a particular cadre and the service should not be reckoned from the date on which the school was brought on grant-in-aid basis. Thus, for considering the qualifying service of 12 years, the service rendered by the Petitioners in the respective schools from the date of their joining till the date on which the school became an aided school, shall be taken into consideration;

1 Writ Petition No.3264 of 2012

2 Writ Petition No.2897 of 2012

(c) It is obvious that the Petitioners will be entitled to the benefit of time bound promotion provided that the Petitioners are otherwise eligible;

(d) We make the Rule absolute in the above terms with no order as to costs.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)

MST