

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

WRIT PETITION No. 5227/2015.

Smt. Shyamli Naren Mukharjee

-VERSUS-

The State of Maharashtra and others.

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
& P.N. DESHMUKH, JJ.**

DATE : APRIL 27, 2016.

Heard Shri A.M. Ghare, learned Counsel
for the petitioner, Ms. Hiwase, learned A.G.P. for
respondent nos. 1 and 4 and Shri A.A. Naik, learned
Counsel for respondent nos. 2 and 3.

2. The matter was heard in first half and
came to be adjourned to second half to enable the
learned counsel to obtain instructions.

3. In the first half, learned counsel for
respondent nos. 2 and 3 stated that the petitioner
could be given additional work load of the subject of
Geography, which she had studied at her graduation
level. He however, submits that the management

2

apprehends that if subject of geography is not found to possess similarity with History subject in which petitioner holds post graduation, ultimately the approval may be denied and hence, management may be required to pay salary for the said period to the petitioner.

4. Shri Ghare, learned counsel for petitioner upon instructions states that if appropriate orders are issued to petitioner, and petitioner is permitted to work on full time basis, the petitioner will not claim the balance salary for such full time work, in case such proposal is not approved. He further prays for time bound consideration for such proposal.

5. He also states that in view of the fact that such approval are generally not granted, petition should not be disposed of and should be kept pending.

6. Learned A.G.P. submits that if such proposal is forwarded by the Management, it shall be considered in accordance with law, without any bias and impartiality. She also states that a reasonable time should be given for said purpose.

7. We find that the petitioner is working as part time employee of respondent nos. 2 and 3, and is

3

presently teaching History subject. She is in employment since 2005, and has also obtained additional B.A. Qualification in geography. In this situation, considering the scheme of Government Resolution dated 01.12.2005, petitioner can be given additional subject of geography which she has studied for graduation, as per proviso to clause 2 of that government resolution.

8. We direct the respondent nos. 2 and 3 to issue appropriate orders appointing petitioner on full time basis in terms of the government resolution dated 01.12.2005 and circular dated 31.01.2001, within a period of four weeks from today. The petitioner shall be free to accept it and work accordingly. Management shall after petitioner starts working, forward a proposal to respondent no.4 within a further period of two weeks. Respondent no.4 shall in the light of the government resolution and circular mentioned supra, take appropriate decision on that proposal within next 6 weeks. The petitioner shall also give an undertaking to the management not to claim salary on full time basis, if the approval is ultimately rejected by the respondent no.4.

4

9. If the orders are adverse to the petitioner, the same shall not be given effect to for a period of two weeks.

10. With these directions, we dispose of the Writ Petition. Needless to mention that all contentions raised by the petitioner can be looked into if occasion therefor arise. No costs.

JUDGE

JUDGE

Rgd.