

IN THE HIGH COURT OF JUDICATUR OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5329 OF 2012

AHILYA KESHAVRAO RUPNAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Shri V.D. Gunale.
AGP for Respondent Nos. 1 & 3 : Smt. M.A. Deshpande.
Advocate for Respondent No. 4 : Shri Ajinkya Deshmukh
h/f. Shri A.V. Hon.

CORAM : RAVINDRA V. GHUGE &
SUNIL K. KOTWAL, JJ.

Dated : 30th October, 2017

PER COURT :

1. By this petition, the petitioners seek issuance of directions to the respondents to grant approval/administrative sanction to the posts held by the petitioners in their respective schools from the date of their initial appointments.

2. The substantive prayer put forth by the petitioners in paragraph No. 22 (B) reads as under :

“(B) By issuing writ of mandamus, or any other appropriate writ, order or directions, the respondents be

directed to grant approval/administrative sanction to the post held by Petitioners in their respective schools since from the initial date of appointment, as per government resolution dated 1/4/2011. Consequently, the Petitioners be paid their arrears of salary as well as regular salary, and for that purpose necessary directions be issued.”

3. We have considered the submissions of the learned counsel for the petitioners and have gone through the grounds formulated in the memo of the petition.

4. The learned AGP has drawn our attention to the affidavit-in-reply filed by respondent No. 4/Education Officer on behalf of respondent Nos. 1 to 4. Based on the same, it is submitted that the State of Maharashtra has adopted a policy of ensuring that the surplus non-teaching staff are absorbed before fresh appointments are sanctioned or approved or regularized.

5. We find from the pleadings set out in the memo of the petition, we do not feel that this petition needs to be kept pending for the reason that the claims of these petitioners are to

be considered by the Education Officer as per the rules applicable. Each case will have to be scrutinized before taking any decision in accordance with the rules and the policies that may be applicable. We do not intend to step into the shoes of the Education Officer in passing such orders without there being any specific scrutiny about the appointments of these petitioners and their length of service put in, post appointments. Suffice it to say, a direction to respondent No. 4/Education Officer to consider the claims of these petitioners within a prescribed time limit would meet the ends of the justice.

6. As such, this petition is disposed of with a direction to respondent No. 4 to consider the case of these petitioners on individual basis, along with all such similarly placed employees who are not before the Court, within a period of 16 weeks from today.

7. Since no appearance has been caused on behalf of the educational institutions/respondent Nos. 5 to 8, though served, the respondent No. 4 shall call for information about these

petitioners and similarly placed non-teaching employees from the respective managements within a period of 4 weeks from today. After such information is supplied, respondent No. 4 would consider each of the cases in accordance with the rules and the policies of the State Government, inclusive of the policy of absorption of the surplus non-teaching staff, within 12 weeks thereafter.

8. We make it clear that we have not expressed any opinion about the merits of the individual claims of these petitioners.

(SUNIL K. KOTWAL, J.)

(RAVINDRA V. GHUGE, J.)

S.P.C.