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

WRIT PETITION NO.7208 OF 2004

Balaji Bapurao Chandanwar
Age 30 years, Occu. Service,
R/o Ghogari, Tq. Hadgaon,
District Nanded

... PETITIONER

VERSUS

1. The State of Maharashtra
(Copy to be served on Government
Pleader, High Court of Judicature of
Bombay, Bench at Aurangabad)
2. The Commissioner for Adivasi Vikas,
Adivasi Vikas Bhawan, Juna Agra Road,
Nashik, District Nashik
3. The Assistant Commissioner,
Adivasi Vikas, Amravati,
District Amravati.
4. The Project Officer,
Ekatmik Adivasi Vikas Prakalp,
Kinwat, Tq. Kinwat, District Nanded
5. Ramaji Metkar Andh Adivasi
Vidyarthi Vastigraha, Tamsa,
Tq. Hadgaon, Dist. Nanded,
through its President/ Secretary
6. Shri Chatrapati Shivaji Maharaj
Adivasi Ashram School,
Ghogari, Tq. Hadgaon,
District Nanded,
through its Headmaster

... RESPONDENTS

.....
Shri R.R. Suryawanshi, Advocate for petitioner
Shri Y.G. Gujarathi, A.G.P. for R.No.1 to 4
.....

WITH

WRIT PETITION NO.788 OF 2005

Uttam s/o Lalu Waghmare
Age 32 years, Occ. Service as
Hostel Superintendent,
R/o Adivasi Ashram School,
Mulzara, Tq. Kinwat, Dist. Nanded ... PETITIONER

VERSUS

1. The State of Maharashtra
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32
(Copy to be served on Government
Pleader, High Court of Judicature of
Bombay, Bench at Aurangabad)
2. The Commissioner for Adivasi Vikas,
Adivasi Vikas Bhawan, Juna Agra Road,
Nashik, District Nashik
3. The Assistant Commissioner,
Adivasi Vikas, Amravati,
District Amravati.
4. The Project Officer,
Ekatmik Adivasi Vikas Prakalp,
Kinwat, Tq. Kinwat, District Nanded
5. Subha Sandesh Shikshan Prasarak
Mandal, Degloor, Tq. Degloor,
District Nanded, through its
President/ Secretary.
6. Adivasi Ashram School,
Mulzara, Tq. Kinwat,
District Nanded,
through its Headmaster ... RESPONDENTS

.....
Shri R.R. Suryawanshi, Advocate for petitioner
Shri Y.G. Gujarathi, A.G.P. for R.No.1 to 4
.....

((3))

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

DATED : 2nd NOVEMBER, 2017.

ORAL JUDGMENT (PER RAVINDRA V. GHUGE, J.):

1. By these petitions, the identically placed petitioners seek appointment approvals from 1/5/2001 and 1/5/2003 respectively, to the post of Hostel Superintendent that the petitioners have been occupying.

2. These two petitions were to be heard along with Writ Petition No.5713/2003. This Court, by judgment dated 18/10/2016, in Writ Petition No.5713/2003, in the matter of Narayan Kishanrao Bhise Vs. State of Maharashtra and others, has allowed the petition, keeping in view the introduction of the Government Resolution dated 3/6/2008 when the Government relaxed the condition of D.Ed. qualification as the eligibility criteria for appointing a Hostel Superintendent.

3. In the first petition, the petitioner has acquired B.A. B.P.Ed. qualification and in the second petition, the petitioner is H.S.C. Learned A.G.P. does not dispute that the requisite qualification was H.S.C., and weightage was to be given to a candidate possessing the D.Ed. qualification.

4. We have considered the Government Resolution

dated 3/6/2008, vide which the Government has concluded that the additional qualification of D.Ed. shall stand relaxed.

5. As like in Writ Petition No.5713/2003, both these petitioners were granted interim relief by order dated 10/2/2005. Pursuant to the interim relief, the respondents No.3 and 4 have granted provisional approval to the petitioners as Hostel Superintendent and their salary has been directed to be released as per the admissible scale. As a consequence of this order, the petitioners were granted the provisional approval by order dated 23/9/2005.

6. It is also brought to our notice that, by the introduction of Government Resolution dated 5/2/2000, by the Vimukta Jati, Nomadic Tribes, Other Backward Class and Special Backward Category Welfare Department, has resulted in the relaxation of the D.Ed. qualification. The State has resolved that, a Hostel Superintendent shall not necessarily be required to acquire D.Ed. qualification. H.S.C. Qualification shall be the eligibility criteria, and if a candidate possesses B.P.Ed. degree, he may be granted preference. This Government Resolution has been considered by the State while issuing the subsequent Government Resolution dated 3/6/2008.

7. As such, the prayers of these two petitioners, by which they seek approval from 1/5/2001 and 1/5/2003, will have

to be considered as they were eligible to be appointed as Hostel Superintendent in the light of the Government Resolution dated 5/2/2000. If this fact situation is taken into account, they would be entitled for approval from 1/5/2001 and 1/5/2003, as is prayed for.

8. Both these petitioners have now been discharging their duties as Hostel Superintendent from 30/9/1999 and 1/7/1998 respectively. As both of them have put in almost 20 years as Hostel Superintendent, and keeping in view the relaxation in the qualification by Government Resolution dated 3/6/2008, both these petitions are allowed. The prayers put forth by these petitioners, seeking approval from 1/5/2001 in the case of Balaji Bapurao Chandanwar and 1/5/2003 in the case of Uttam Lalu Waghmare, are granted. The interim order passed by this Court stands confirmed.

9. Rule is made absolute in the above terms.

(SUNIL K. KOTWAL)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

fmp/