

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

WRIT PETITION NO. 9854 OF 2014

Datta s/o. Machhindra Medhe & Anr. .. Petitioners

Versus

The State of Maharashtra & Ors. .. Respondents

Mr.V.D. Gunale, Advocate for the petitioners.

Mr.S.W. Munde, A.G.P. for respondent/State.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 03.10.2017

P.C. :-

1. Mr. Gunale, learned Counsel for the petitioners submits that the petitioners were appointed on 21.08.2011 from Scheduled Caste category as Shikshan Sevak. Respondent No.3 had granted six divisions of 3rd and 4th standards. The appointments of the petitioners were after following due procedure of law. The appointments of the petitioners were approved on probation of three years. The said period has been successfully completed. However, salaries are withheld.

2. Learned A.G.P. submits that the Education Officer had illegally granted the additional divisions to the respondent-institution, which had appointed the petitioners. Learned A.G.P. submits that the Government Resolution dated 06.02.2012 was issued. The Government had probed into illegal sanction of additional divisions by appointing Ghonmode Committee and thereafter the Government Resolution was issued in respect of 37 institutions pursuant to Government Resolution dated 02.12.2014, thereby these additional divisions were granted on non grant-in-aid basis.

3. The Government Resolution dated 02.12.2014 was the subject matter of challenge in Writ Petition No.762 of 2015 with connected writ petitions. These writ petitions are decided under judgment and order dated 5th May, 2017, thereby upholding the Government Resolution dated 02.12.2014, whereby additional divisions which were sanctioned by the then Education Officer were brought on non grant-in-aid basis in respect of 37

institutions. The respondent-institution is one of the said 37 institutions.

4. Considering the aforesaid aspects of the matter, the grievance raised by the petitioner cannot be considered as the same would be on non grant-in-aid basis. The parties would be governed by the judgment dated 5th May, 2017 in Writ petition No.762 of 2015 with connected writ petitions.

5. The writ petition is disposed of. No costs.

[S . M . GAVHANE , J .]

[S . V . GANGAPURWALA , J .]