

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

WRIT PETITION NO. 11479 OF 2015

Vijaya Devidas Sargaiyye ...Petitioner

VERSUS

The State of Maharashtra & ors. ...Respondents

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Shri M.S.Taur, advocate h/f

Shri A.N.Kakade, advocate for petitioner

Mrs.Vaishali Patil, A.G.P. for respondent nos.1 & 2

Shri D.G.Nagode, advocate for respondent no.3

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CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.

DATED : 4th January, 2017

PER COURT :-

The learned counsel for the petitioner states that the petitioner was appointed as an Assistant Teacher in the year 1983 with respondent no.3. The learned counsel submits that initially the petitioner was appointed in D.Ed. pay scale. However, the petitioner has raised the grievance and as per the orders of this Court the petitioner is awarded B.Ed. pay scale since 2008.

2. The learned counsel submits that the petitioner is working as Incharge Head Master. Even approval is granted to the petitioner as Incharge Head Master, however, the proposal is not being submitted appointing petitioner as regular Head Master. According to the learned counsel, the said post is also reserved for N.T. category and the petitioner belongs to the said category.

3. Mr. Nagode, learned counsel for respondent no.3 submits that one Mr. Holkar is working on B.Ed. pay scale since 2001. As such, he is to be considered senior. Learned counsel submits that respondent no.3 has already submitted proposal of all the persons including the petitioner to the Education Officer in view of the Government Resolution, dated 17.10.2013. The same is forwarded to the Commissioner of Social Welfare, Nasik and the Commissioner would take decision upon it. As per rotation, the post which is being claimed by the petitioner now would go to a candidate belonging to Scheduled Caste category.

4. We have also heard the learned A.G.P. As the proposal now is already pending with the Commissioner, Social Welfare and the Education Officer i.e. respondent no.2, it would be appropriate for the authorities to take decision upon the same.

5. In the light of that, we pass the following order.

(i) The Education Officer (Secondary) i.e. respondent no.2 and/or the Commissioner, Social Welfare, Nasik shall take decision on the proposal submitted by respondent no.3 with regard to the appointment of regular Head Master, expeditiously, on its own merits, in accordance with law and policy, preferably within four months of this order. The petitioner and/or such other interested persons may represent themselves before the authority.

(ii) All the contentions of the respective parties are kept open.

(iii) Writ Petition accordingly is disposed of.
No costs.

(K.L.WADANE, J.)

(S.V.GANGAPURWALA, J.)

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