

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

81 WRIT PETITION NO. 163 OF 2015

JAGANNATH SAHEBRAO PATIL
VERSUS
THE STATE OF MAHARSHTRA AND OTHERS
WITH
WRIT PETITION NO.153/2015

KALPANA ABHIMANYU MALI
VERSUS
THE STATE OF MAHARSHTRA AND OTHERS

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Advocate for Petitioners : Mrs. Ansari A. N.
AGP for Respondents State: Mr. M. B. Bharaswadkar
Advocate for Respondent No.4: Mr. A. R.Syed h/for Mr. S. P.
Brahme

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

DATE : 13th February, 2017

ORDER:

1. Mrs. Ansari, the learned counsel submits that the petitioners were appointed as Shikshan Sevak with respondent No.4 School. Services of the petitioners were approved and because of reduction in the strength of students, the petitioners were declared surplus. The Education Officer had placed the petitioners in the list of surplus candidates. The Education Officer also directed the parent school of the petitioners to absorb the petitioners, the same was not followed. According to the learned counsel, the Education Officer had also given letter to absorb the petitioners.

The learned counsel submits that the petitioners have completed one and half years of service. The petitioners are entitled for absorption in view of the Government Resolution dated 07.01.2005.

2. Learned AGP states that the petitioners were directed to be absorbed by mistake. The petitioners had worked only for one and half years. The petitioners, not having worked for 30 calendar months, the case of the petitioners cannot be considered.

3. We have considered the submissions.

4. The Government Resolution dated 07.01.2005 would not enure to the benefit of the petitioner. The said Government Resolution states that if a person completes one year as Shikshan Sevak in one Institution and thereafter is appointed in another institution, then services rendered as Shikshan Sevak in earlier Institution has to be computed for the purpose of total length of service. The petitioners would become deemed permanent only on completion of tenure as Shikshan sevak of three years or 30 calendar months. Admittedly, in the present case, the petitioners have worked for about one and half years. Minimum period has not been completed by the petitioners as Shikshan

Sevak. In the absence of any policy, this Court, cannot come to the aid of the petitioners.

5. In the light of above, writ petitions disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC