

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

WRIT PETITION NO. 666 OF 2015

Sahebrao Damodhar Ghule and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Anil M. Gaikwad, Advocate for Petitioners.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 5.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 09TH APRIL, 2018.

FINAL ORDER :

. Mr. Gaikwad, the learned counsel submits that, the petitioners would not press prayer clause "B".

2. Mr. Gaikwad, the learned counsel for petitioners submits that, the petitioners are approved either as full time and/or part time librarians. The petitioners are challenging the Government Resolution dated 23rd October, 2013 by virtue of which the post of librarian is not recommended. The learned counsel submits that, the petitioners were regularly paid salary till February 2017 and since March 2017, the salary of petitioner Nos. 2 and 3 is stopped.

3. The learned Additional Government Pleader submits that, the Committee is already constituted with regard to the non teaching staff and the decision would be taken.

4. The Government Resolution dated 23rd October, 2013 itself prescribes that as per the new staffing pattern, which is provided under the G. R. dated 23rd October, 2013, if some employees are declared surplus, they should be absorbed and can be in service till they attain the age of superannuation. Subsequently G. R. dated 12.02.2015 is issued by the Government, which states that, the status quo should be maintained and the committee be constituted for submitting its report.

5. It is stated that, the Committee has submitted its report and the matter is pending with the Finance Department.

6. Be that as it may, the Government Resolution dated 23rd October, 2013 is subject matter of reconsideration. The petitioners would have reason to make a grievance, in case the respondents take decision that may be prejudicial to the interest of the petitioners. As the Committee is already formed for reconsidering staffing pattern, the challenge to the Government Resolution would not survive.

7. In case, the petitioners are approved and they are performing their duties, then there is no impediment to pay salary to the petitioner Nos. 2 and 3 as was paid at the time it was stopped. The respondents shall confirm about the petitioner Nos. 2 and 3 functioning on the post and about their eligibility and shall process their salary bills and if there is no other impediment, shall pay the salaries to these petitioners also.

8. With these observations, writ petition stands disposed of.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 18