

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

WRIT PETITION STAMP NO. 2175 OF 2017

1. Mahesh S/o. Vasantrao Kulkarni
Age : 48 years, Occu. Service as Librarian,
R/o. Shri. Sharda Mandir Girls High School,
Aurangpura, Aurangabad.
 2. Smt. Pramila Laxman Musale @
Pramila Sadashiv Jadhav
Age : 47 years, Occu. Service as Librarian,
Shri. Saraswati Bhuvan High School,
Aurangabad.
- Petitioners...

Versus

1. The State of Maharashtra
Through its Secretary,
School of Education Department,
Mantralaya, Mumbai.
 2. The Director of Secondary and
Higher Secondary Education,
Maharashtra State, Central Building,
Pune.
- Respondents...

.....
Mr G.J. Pahilwan h/f Mr G. K. Kshirsagar, Advocate for the applicants
Mr S. M. Ganachari, AGP for respondent/State
.....

**CORAM : PRASANNA B. VARALE &
MANISH PITALE, JJ.**

DATE : 06TH OCTOBER, 2018.

ORAL JUDGMENT [Per Prasanna B. Varale, J.] :-

1. Rule. Rule made returnable forthwith. Heard finally with
the consent of the parties.

2. The learned counsel for the petitioners submitted that, petitioner No. 1 came to be appointed as Part-time Librarian on 27.09.1993 in Shri. Saraswati Bhuvan High School, Gondegaon, Tq. Soygaon, Dist. Aurangabad, whereas; petitioner No. 2 appointed as Part-time Librarian on 19.08.1998 in Shri. Saraswati Bhuvan High School, Wadodbazar, Tq. Phulambri, Dist. Aurangabad. He submits that, the appointments of these two petitioners are duly approved by the competent authority and, thereafter, permanent approval also granted to their appointments. The learned counsel submits that, a Committee under the Chairmanship of V. V. Chiplunkar was constituted by the State Government for considering the issue of creating the posts of non-teaching employees in the Government schools as well as in non-Government schools. The learned counsel then submitted, that certain recommendations were made by the Chiplunkar Committee and accordingly, by accepting these recommendations, the State Government issued Government Resolution dt.28.06.1994 and permitted for creation of the posts like Clerk, Full-time Librarian and the Laboratory Asst. etc. Learned counsel submitted that, as per the said GR, the State Government was also to make the financial arrangement for such creation and upgradation of the posts. The learned counsel then submitted that the prerequisite for up-gradation from the posts of Part-time Librarian to full-time Librarian depends upon the strength of the

students and as per the Government Policy, for such upgradation the requisite strength of students in the school must be more than 1000 students. The ld. Counsel then submitted that, in the year 2017, the strength of the students in the schools where the petitioners are working has already reached more than the requisite strength i.e. 1000 students. A statement is made in the petition at para no. 7 that during the period from 2003 to 2005-06, the strength of the students in the said schools was more than 1000. The learned counsel submitted that, in view of the Government policy, the Headmaster submitted proposals of these petitioners for grant of upgradation from the post of Part-time Librarian to Full-time Librarian. He invited our attention to the proposals of petitioners No. 1 and 2, respectively. The proposal dt. 09.01.2017 is in respect of petitioner No. 1 and the proposal dt. 11.01.2017 is in respect of petitioner No. 2.

3. The learned counsel for the petitioners further submitted that, in spite of submitting these proposals to the competent authority viz. the Education Officer (Secondary), who is party-respondent No. 4 to the present petition, it has failed to take any decision on these proposals and inordinate delay in deciding these proposals is causing serious prejudice to the petitioners as they would be deprived of their monetary benefits.

4. The grievance of the petitioners being limited one, there cannot be any dispute on the fact situation namely; the documents placed on record clearly show that the proposals of the petitioners dt.09.01.2017 and 11.01.2017 are already submitted to the Education Officer (Secondary), Zilla Parishad, Aurangabad. In view of this, we are of the opinion that, the petition can be disposed of by issuing directions to respondent No. 4 to decide the proposals submitted by the Headmasters of Shri. Sharda Mandir Girls High Schools and Saraswati Bhuvan High School, Aurangabad, as expeditiously as possible, preferably within a period of ten (10) weeks from today and it is accordingly directed. Needless to state, the proposals referred to above be decided on their own merits and in case, the said authority requires certain documents or is of opinion to grant personal hearing to the parties, he shall give a notice of hearing to the parties and on hearing both the parties, decide the said proposals on their own merits.

5. Rule made absolute in the aforesaid terms with no order as to costs.

[MANISH PITALE]
JUDGE

[PRASANNA B. VARALE]
JUDGE