

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

WRIT PETITION NO.3872 OF 2005

1. Mahadeo S/o Sakharam Ranjwan
age : 41 years, Occu.: Service as clerk
R/o. Kailash Kala Niketan,
Pingle Nagar, Canal Road, Beed.
2. Onkar S/o Chinda Shirsat,
Age 51 years, Occ: Clerk with SSVPS
School of Arts, Station Road, Dhule.
3. Bhausahab S/o Tukaram Pathare,
Age 40 years, Peon with Yashwant
Kala Mahavidyalaya, Garkheda,
Aurangabad.
4. Shivaji S/o Haribhau Wagh,
Age 52 years, Occupation : Clerk with
the Chitrakala Mahavidyalaya, Walmiki
Nagar, Latur.

... Petitioners.

Versus

1. The State of Maharashtra
through the Secretary to the
Govt. Higher & Technical Education
Department, Mantralaya,
Mumbai-32.
2. Director of Arts,
Directorate of Arts, School of Arts
Compound, Dr. D.N. Road,
Fort, Mumbai – 400 001.
3. The Principal,
Kailash Kala Niketan,
Near Asha Talkies, Pingle Nagar,
Canal Road, Beed.

4. The principal,
S.S.V.P.S. School of Arts,
S.R.P. Nagar, Station Road, Dhule

5. The Principal,
Yashwant Kala Mahavidyalaya,
Ashok Nagar, Ulkanagari,
Garkheda Area, Aurangabad.

6. The Principal,
Chitrakala Mahavidyalaya,
Walmiki Nagar, M.I.D.C. Area,
Latur.

... Respondents.

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Mr. Hemant Surve, Advocate for the Petitioners.

Ms. D.S. Jape, A.G.P. for Respondent Nos. 1 and 2.

Mr. S.S. Deshmukh for Respondent Nos. 3 to 6.

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**CORAM : T.V. NALAWADE &
SUNIL K. KOTWAL, JJ.**

DATED : 26th FEBRUARY, 2018

ORAL JUDGMENT: (PER T.V. NALAWADE, J.)

1. The Petitioner is filed by teaching staff of the respondent School for giving them benefit of the Government schemes like giving them time scale promotion, leave travel allowance, medical reimbursement and encashment of earned leave at the time of retirement. Both the sides are heard.

2. Learned counsel for the petitioner drew the attention of this

Court to the decision rendered by this Court dated 05.10.2017 decided by the Principal Seat (Original Side) (Surendra Bhagwanrao Jagtap Vs. State of Maharashtra and Ors.). This Court considered the previous decision given in the aforesaid case and also the definition of the 'school' given in Sub-section (24) of Section 2 of the Maharashtra Employees of Private Schools Regulation Act, 1977. This Court allowed the said proceeding by holding that the teachers of Art Schools are entitled to get all the aforesaid benefits as they are like the teachers of other schools as defined in the aforesaid definition. In view of the decision given in the past, which was given, at least in three matters, this Court holds that the petitioners are entitled to get benefits as claimed.

3. Learned A.G.P. submits that the aforesaid decision was challenged by filing Special Leave Petition in the Hon'ble Supreme Court. The learned counsel for the petitioner made a statement that the said Special Leave Petition is dismissed. Even if it is presumed that the said Special Leave Petition is pending, the outcome of this petition will be subject to the decision of the said Special Leave Petition.

4. In the result, the petition is allowed. The respondents are directed to give the benefit of the Government schemes in respect of which relief is claimed in prayer clause 'B' of para 16 of the Petition. This is to be done within three months from the date of this order. Rule is made absolute in the above terms.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE

SPR