

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

WRIT PETITION NO. 4930 OF 2014

Ajaysing s/o. Bhimsing Patil .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr.U.R.Awate h/f. Talekar & Associates, Advocate for the petitioner.

Mr.S.K. Tambe, AGP for respondent/State.

Mr.V.C. Patil h/f. Mr.U.B. Bondar, Advocate for respondent Nos. 3 and 4.

Mr.D.B. Pawar, Advocate for respondent Nos.5 to 7.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 21.08.2018

P.C. :-

1. Mr. Awate, learned Counsel for the petitioner submits that pursuant to the advertisement dated 20.04.1999, the petitioner applied for the post of Assistant Teacher. The petitioner was selected and was recommended for appointment. The petitioner was appointed on 01.10.2001 as Shikshan Sevak. Learned Counsel submits

that the petitioner applied for the post of Assistant Teacher in the year 1999. The scheme of Shikshan Sevak was introduced w.e.f. 13.10.2000. The petitioner ought to have been considered as an Assistant Teacher from the first date of appointment. Learned Counsel refers to the decision/communication of the State Government dated 30.05.2007, issued to the Chief Executive Officer, Zilla Parishad, Parbhani stating that those who are recommended by the Selection Board on 20.12.2000, shall be appointed as Assistant Teacher in the regular pay-scale. According to learned Counsel, the subsequent communication to present petitioner dated 03.12.2013 is erroneous and discrimination is being made.

2. Mr.Pawar, learned Counsel submits that the petition suffers from delay and latches and as such deserves to be rejected.

3. Learned Counsel for Zilla Parishad, Beed also submits that the petitioner is not entitled to be

appointed as Assistant Teacher on 01.10.2001 as the scheme of Shikshan Sevak is already introduced.

4. Learned AGP supports the order and submits that the date of appointment is relevant and material. The petitioner having been appointed after the scheme of Shikshan Sevak being introduced is not entitled for any benefit.

5. We have considered the submissions. The petitioner is appointed on 01.10.2001. The petition is filed in the year 2014. Naturally, we would not consider the case of the petitioner for grant of monetary benefits.

6. The date of appointment of the petitioner is normally relevant for all purposes. The scheme of Shikshan Sevak was introduced on 13.10.2000. The petitioner is appointed on 01.10.2001, though the advertisement was issued on 13.04.1999 and the petitioner

had undergone selection process earlier. We certainly would not have entertained the contentions of the petitioner that on 01.10.2001 he would have been appointed as Assistant Teacher, but for the decision of the Government dated 13.05.2007. The decision was taken by the State that those who were appointed according to the recommendations of the Selection Board dated 20.12.2000, should be appointed as Assistant Teacher on regular pay-scale. The same was pertaining to the Zilla Parishad, Parbhani. The petitioner is also selected by the Selection Board on 20.12.2000. The State cannot have different stand in respect of employees similarly situated with different Zilla Parishad. The petitioner would stand on better footing than the petitioner in Writ Petition No. 2679 of 2006.

7. Considering the decision by the State on 30.05.2007 (Exh."T") (Page 74), though we are not granting any monitory benefits to the petitioner for the period from the date of appointment, we direct the

respondents to consider the petitioner as Assistant Teacher from the date of appointment i.e. 01.10.2001 for all future purposes from the date of filing of the petition. Said period shall be considered for the purpose of future increments that may be paid to the petitioner as would be admissible from the date of petition.

8. The writ petition is accordingly disposed of.
No costs.

[S . M . GAVHANE , J .]

[S . V . GANGAPURWALA , J .]