

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

**BENCH AT AURANGABAD**

**WRIT PETITION NO. 6446 OF 2016**

Yadav Mohansingh Rathod

..

Petitioner

**Versus**

The State of Maharashtra and others

..

Respondents

Shri. U. R. Awate, Advocate h/f Talekar and Associates, for Petitioner.

Shri. S. K. Tambe, A.G.P. for Respondent Nos. 1 to 3.

Shri. N. B. Khandare, Advocate for Respondent No. 4

**CORAM : S.V. GANGAPURWALA AND**

**R. G. AVACHAT, JJ.**

**DATED : 24<sup>th</sup> October, 2018**

**PER COURT:**

. Mr. Awate, the learned advocate for the petitioner submits that the petitioner initially was working as a Physical Instructor in the English Medium School since 30<sup>th</sup> June, 1994 to 24.04.2012. Thereafter, the petitioner is working as a Physical Instructor in Marathi Medium School run by Respondent No. 4. The petitioner is working on grant in aid post. The learned counsel submits that since 24.04.2012 the petitioner is

working on grant in aid post as a Physical Instructor in Saras Vidyalaya (Marathi Medium), Mandwi. Earlier to that the petitioner was working in English Medium School on permanent non grant basis.

2. The learned counsel submits that the English Medium School and the Marathi Medium School is run by the same management. The petitioner is entitled for continuity in service. The learned counsel relies on the Government Resolution dated 20<sup>th</sup> July, 2009 and 28<sup>th</sup> November, 2006.

3. Mr. Khandare, the learned counsel for Respondent No. 4 and the learned A.G.P. submits that the Government Resolution dated 28.11.2006 would not come to the aid of the petitioner but on the contrary would go against the petitioner. The appointment shall have to be considered as new appointment since 24.04.2012.

4. It is not disputed that since 30<sup>th</sup> June, 1994 till 24.04.2012 the petitioner was working in the English Medium School that was on permanent non grant basis. The Government Resolution dated 28.11.2006 only confirms that those candidates who were working on non grant basis and subsequently brought on grant in aid post to be

considered for the selection grade pay scale. The said Government Resolution would not enure to the benefit of petitioner as the petitioner was working on permanent non grant post earlier. In view of that earlier services of the petitioner cannot be considered for selection grade pay also.

5. In light of the above the writ petition stand disposed of. No costs.

6. If in future some policy is introduced by the government which would be in the interest of the petitioner the petitioner may agitate his grievance at the relevant time.

**[ R. G. AVACHAT, J. ]**

**[ S. V. GANGAPURWALA, J. ]**

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