

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3824/2016

AND

CAW NO. 06/2017

Shri Prashant Jagannath Meshram & ors.

..VS..

The Director of Maharashtra Prathmik Shikshan Parishad & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Sahare, Advocate for the petitioner(s)
Ms. Aarti Singh, Advocate for the respondent nos. 2 and 3
Shri P.A. Jibhkate, Advocate for the intervenor

CORAM : B.P. DHARMADHIKARI AND

Z.A.HAQ, JJ.

DATED : 08/06/2018

- 1] Heard respective counsel for the parties.
- 2] Submission is, in Zilla Parishad, Wardha, there are more senior employees who have completed longer stay and therefore they should have been picked up and sent to Zilla Parishad, Jalgaon. During arguments, learned advocate for petitioners also submitted that even if principle of last come first go is to be invoked, seniority list itself is not in dispute.
- 3] We have perused writ petition.
- 4] Under the provisions of Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, 1964, remedy of appeal in such matter is provided. We were inclined to dispose of writ petition with liberty to petitioners to avail that remedy.

5] However, respective advocates for respondents invited our attention to the fact that petitioners have been employed under the project “Sarva Shikshan Abhiyan” on contract basis temporarily for the period of six months. In this situation, their right to post itself is in dispute.

6] Petitioners have been shifted to Zilla Parishad, Jalgaon where work is available and are working at that place. As the right to post does not exist, the challenge to seniority itself may not be very relevant.

6] However, if petitioners feel that even in cadre on project, in seniority list of temporary workers there is some dispute, we permit them to raise it before the authority mentioned supra as per law.

7] If such dispute is raised within four weeks from today, the authority shall consider independently on its own merits within next three months.

8] With this observation, liberty and keeping all rival contentions open, we dispose of present writ petition.

9] Civil application is therefore disposed of. No costs.

JUDGE

JUDGE