

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4153/2018.

Bahujan Hitay Jagat Education Society, Gondia and others.

-VERSUS-

The State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI
& M. G. GIRATKAR, JJ.

DATE : OCTOBER 03, 2018.

Heard Shri A.Z. Jibhkate, learned counsel
for petitioners and Shri S.P. Deshpande, learned
Addl.G.P. for respondent nos. 1 to 4.

2. Learned counsel for petitioners has
restricted request in petition only to fill in posts of
Senior and Junior Clerks. He points out that teachers
are required to work on that post, and therefore,
education of students is adversely affected.

3. Learned Addl.G.P. submits that in view of
the policy decision taken by the government, posts
cannot be allowed to be filled in.

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4. We find that work load available for senior or junior clerks in the establishment of petitioner is not in dispute. Respondents have not done anything to abolish that workload. If the workload exists, respondents cannot stop petitioners from recruiting the persons against that workload.

5. From arguments advanced by learned Addl. G.P. it appears that because of policy decision which may be operating to the prejudice of several managements, recruitment is not permitted.

6. We in this matter instead of observing anything on that policy decision, direct respondents to provide surplus non teaching staff, if available, within a period of three weeks or then to find out how existing workload can be addressed to by petitioners.

7. We grant petitioner leave to approach again if within 8 weeks they do not receive necessary staff or response.

8. This Court may in that event also consider a direction to State Government to pay additional amount to teaching staff for working on the post of junior or senior clerks.

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9. With these directions, we dispose of the
Writ Petition. No costs.

JUDGE

JUDGE

Rgd.