

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

WRIT PETITION NO. 1211 OF 2018

Nagnath Vitthal Kurude and Ors. ....Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. V.A. Dhakne, Advocate for Petitioners  
Mr. S.M. Ganachnari, Assistant Government Pleader for  
Respondent Nos. 1 to 4

**CORAM : S.V. GANGAPURWALA AND  
A.M. DHAVAL, JJ.**

**DATE: 15<sup>th</sup> JANUARY, 2019**

**PER COURT**

1. Mr. Dhakne, the learned Counsel for the petitioners submits that the petitioners are appointed in the year 2003, 2004 and 2005. At the relevant time, they were appointed as Shikshan Sevaks. Shikshan Sevak Scheme was not applicable to the tribal Ashram Schools. The petitioners are appointed in Tribal Ashram Schools. In view of that, the petitioners have approached the authorities for treating them as Assistant Teachers since the initial date of their appointment. According to the learned Counsel, at the relevant time, as there was no Policy of appointing Shikshan Sevaks in tribal Ashram Schools, the appointment of the petitioners ought to have been considered as Assistant Teachers. Moreover, the Shikshan Sevak Scheme is not

applicable to the unaided or partially aided schools. It is applicable to only 100 % aided Institutions. This aspect also has not been considered by the respondents while negating the claim of the petitioners.

2. We have heard the learned Assistant Government Pleader also.

3. The petitioners are appointed way back in the year 2003 to 2005. The appointment orders of the petitioners specifically refers that their appointments are as Shikshan Sevaks. It also specifically refers that the honorarium to be paid to them @ Rs.3,000/- per month. After completion of the probation period as Shikshan Sevaks successfully, then they are to be construed as Assistant Teachers.

4. It would be too late in the day now for the petitioners to turn around and contend that they ought to have been appointed as Assistant Teacher. The petitioners have accepted the appointment orders. The appointment orders as Shikshan Sevaks and honorarium are acted upon between the parties and thereafter, it would not be permissible for the petitioners after a long slumber to take a somersault and contend otherwise.

5. In view of the above, we are not inclined to consider the grievance of the petitioners.

6. The Writ Petition is accordingly disposed of. No costs.

**( A.M. DHAVAL, J. ) ( S.V. GANGAPURWALA, J. )**

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