

(1)

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

WRIT PETITION NO.1898 OF 2019

1. Rajendra Padmakar Kamble,
Age: 43 years, Occu: Service,
R/o Government Ashram School,
Tisgaon, Tq. Khultabad, Dist. Aurangabad

2. Smt. Jayshree Koutikrao Narwade,
Age: 41 years, Occu: Service,
R/o Government Ashram School,
Hutti, Tq. Sillod, Dist. Aurangabad

3. Shaskiya Adiwasi Ashramshala
Adhikshak Sanghatana,
Through its President
Shri. Raju Ninaji Sardar,
Age: 50 years, Occu: Service,
Office at 32, Samrudhi Vihar Apartment,
Laxmi Oil Mill Compound, Akola

..PETITIONERS

VERSUS

1. The State of Maharashtra,
Through Chief Secretary,
Tribal Development Department,
Mantralaya, Mumbai

2. The Commissioner,
Tribal Development,
State of Maharashtra,
Nashik

..RESPONDENTS

Mr S. V. Natu, Advocate for petitioners;
Mr A. R. Kale, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 11th February, 2019

(2)

ORAL ORDER:

Learned Counsel appearing on behalf of the petitioners, on instructions, submitted before us that though the petitioners have made prayers (B) and (C) as basic prayers and prayer clause (D) as an interim measure, they be permitted to add prayer clause (D-1) whereby they would seek the directions to decide the representation submitted to respondent No.2 - Commissioner, Tribal Development, State of Maharashtra, Nashik.

2. Learned Counsel for the petitioners then invited our attention to the copy of the representation dated 22nd September, 2017 placed on record at Exh.'D' to submit that the petitioners and alike Superintendents are working in Ashram School for a considerable long period. It is submitted that initially, the State government framed a policy under the Notification/Circular dated 7th January, 2004 and it was stated in the said Circular that the promotional avenue would be open in 75:25, but subsequently there was change in the policy and then this percentage was reversed i.e. 25:75. It is further submitted that by reversal of this position, the petitioners and the similarly situated employees may be deprived of the promotional avenue. There are other grievances also which are referred to in the representation. Learned Counsel for the petitioners then submits that the representation is pending before the authority for a long period, as such, the petitioners pray for directions to respondent No.2 to decide the same expeditiously.

(3)

3. This being only prayer pressed in service, the petition is disposed of at the admission stage with directions to respondent No.2 to decide the representation dated 22nd September, 2017 as early as possible and not later than twelve weeks from the date of the order of this Court, needless to state on its merits. We further make it clear that, if the Commissioner is of the opinion to grant opportunity of hearing to the association, on whose behalf the representation is submitted, he may grant such opportunity of hearing to the in all representative of the association.

With these directions, the writ petition is disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

sjk