

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

**WRIT PETITION NO.4554 OF 2019**

Bharat s/o Baburao Auti,  
Age: 48 years, Occ: Service,  
R/o. House No.6207, Kumbhar Galli,  
Nalegaon, Ahmednagar,  
Dist. Ahmednagar

.. PETITIONER

**VERSUS**

1. The State of Maharashtra  
Through its Secretary,  
Department of School Education  
& sports, Mantralaya, Mumbai-32
2. Hind Seva Mandal, Ahmednagar,  
Near Sarda College, Borkar nagar,  
Savedi Road, Ahmednagar  
Through its Secretary
3. The Education Officer (Secondary)  
Zilla Parishad, Ahmednagar

.. RESPONDENTS

Mr Sharad V. Natu, Advocate for the petitioner;  
Mrs Preeti V. Diggikar, A.G.P. for respondent Nos. 1 & 3;  
Mr S.V. Dixit, Advocate for respondent No.2

**CORAM : PRASANNA B. VARALE &  
NITIN W. SAMBRE, JJ.**

**DATED : 11th APRIL, 2019**

**ORAL ORDER:**

Heard Mr. Natu, learned Counsel for the petitioner.

2. The limited grievance is raised by the petitioner before this Court, namely, the petitioner is appointed in a school run by respondent No. 2 – institute on 22<sup>nd</sup> June, 1992 and though the petitioner, time and again submitted applications / representations to respondent No. 2 to pass appropriate orders, neither steps have been taken for passing order nor proposal is submitted to the competent authority i.e. Education Officer.

3. Mr. Natu, learned Counsel for the petitioner, by inviting our attention to the order of this Court dated 16<sup>th</sup> January, 2019 in Writ Petition No.2742 of 2018, submitted that the petitioner is identically circumstanced with the petitioner in Writ Petition No.

2742 of 2018.

4. Mr. Dixit, learned Counsel who appears for respondent No. 2 fairly admits the position that the petitioner is identically circumstanced with the petitioner in Writ Petition No.2742 of 2018 and further submits that the management will have to consider the claim of the petitioner on the backdrop of his seniority to other employees.

5. Considering the above referred submissions of learned Counsel for the petitioner as well as submissions of Mr. Dixit, learned Counsel for respondent No.2, we see no reason to take different view than the view adopted by this Court in the order dated 16th January, 2019 in Writ Petition No. 2742 of 2018.

6. In view of above, the petition is disposed of, with observations that the management may consider the claim of the petitioner for appointment as 'Shikshan

Sevak', as per clause - 8 of the Government Resolution dated 10th June, 2005 on its own merits, expeditiously and preferably within a period of eight weeks. The management is at liberty to consider the aspects of seniority and case of other employees similarly situated. The Education Officer, on receipt of proposal through respondent No.2, shall consider the proposal in tune with clause - 8 of the Government Resolution dated 10th June, 2005. The Education Officer shall not reject the proposal on the ground of availability of surplus candidates.

7. With these observations, the petition is disposed of.

**[NITIN W. SAMBRE, J.]**

**[PRASANNA B. VARALE, J.]**