

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

WRIT PETITION NO.5086 OF 2017

Sadhu s/o Goroba Gaikwad,
Age-41 years, Occu:Service as Asstt. Teacher,
R/o-Murum, Tq-Omerga,
Dist-Osmanabad.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai-32,
- 2) The Deputy Director of Education,
Latur Division, Latur,
- 3) Chief Executive Officer,
Zilla Parishad, Osmanabad,
- 4) Bharat Shikshan Sanstha, Omerga,
Through it's Secretary,
Office at Bharat Shikshan Sanstha,
Omerga, Tq-Omerga, Dist-Osmanabad,
- 5) The Principal,
Arts, Commerce and Science College,
Murum, Tq-Omerga, Dist-Osmanabad.

...RESPONDENTS

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Mr.R.D. Biradar Advocate for Petitioner.
Mr.S.N. Kendre, A.G.P. for Respondents No. 1 & 2.
Mr.S.S. Jadhavar Advocate for Respondents No. 4 & 5.

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**CORAM: SUNIL P. DESHMUKH AND
SMT. VIBHA KANKANWADI, JJ.**

DATE : 2ND DECEMBER, 2019

ORDER :

1. Petitioner claims to be working as part time teacher with respondents No. 4 and 5 since 1993 and that he completed B.Ed. degree in 2005. It is the claim of the petitioner that four/five years prior to 2005 he had not been allowed to sign muster roll though he had been working. He submits that despite acquisition of requisite qualification for holding the post of teacher of geography, respondent management went on appointing 12 persons for different subjects and yet subject of geography has not been having a full time post. In the circumstances, he has approached this Court seeking directions to regularize his services as full time assistant teacher and to pay to him incidental, ancillary and consequential benefits.

2. While petitioner is before this court as referred to above, learned counsel for respondent management submits that the petitioner since being not possessing requisite qualification, he had been given liberty to acquire the qualification in 1998. Since 2000, petitioner had not been serving in the school run by

respondent management nor he has acquired requisite qualification from Yeshwantrao Chavan Open University as allowed by respondent management. Petitioner has subsequently acquired B.Ed. qualification in 2005. In 2008 regular selection process had been started, in which the petitioner had not participated and while part time post in geography subject has been admissible and available, petitioner had been let to work on the same as part time teacher since 2007-2008.

3. Learned counsel for management further submits that according to policy of the Government, respondent management has been making correspondence with the concerned authorities for converting the post of part time teacher as a full time teacher as workload is available, yet the authority of first instance has declined and matter is taken to the higher authority i.e. Director of Education and is pending with him. In case post is granted, respondent management would certainly appoint petitioner on the said post.

4. Having regard to aforesaid, it appears to be expedient that proposal dated 30th August, 2018 for conversion of part time teacher's post to full time teacher's post may be

considered by the Director of Education, Pune expeditiously, preferably within four months from the date of receipt of writ of this order in the petition.

5. The petition, with the aforesaid observations, stands disposed of.

(SMT. VIBHA KANKANWADI)
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

asb/DEC19