

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

WRIT PETITION NO. 7530 OF 2016

Manoj Narayan Shitole

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Paresh B. Patil, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 to 4.

Shri M. D. Gitte, Advocate for the Respondent No. 5.

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

DATE : 22ND FEBRUARY, 2019.

FINAL ORDER :

. Mr. Patil, the learned advocate for the petitioner submits that, the petitioner had rendered part time service for a period of 40 months prior to his appointed as Assistant Teacher on 11.08.1999. The learned counsel relies on Government Resolution dated 10th June, 2005. The learned counsel submits that, the service rendered as part time should be counted for the purpose of time bound promotional pay scale.

2. Mrs. Gondhalekar, the learned Additional Government Pleader submits that, there are no orders or rules to count half qualifying service for the purpose of granting senior scale.

3. There is nothing on record to show that the petitioner had rendered his part time service on grant in aid post. In view of that, on that count naturally service cannot be considered for time bound promotional pay scale.

4. Moreover, the petitioner was never appointed as a Shikshan Sevak, but directly as Assistant Teacher. Therefore, provisions of Government Resolution dated 10.06.2005 relied upon by the petitioner would not inure to the benefit of the petitioner as the said Government Resolution applies for considering appointment of a person working on part time post as Shikshan Sevak and consideration of period as rendered on part time post. On the contrary, clause 13 of the said Government Resolution says that, if a person appointed as part time teacher is getting honorarium more than Shikshan sevak, but there is no guarantee of service and other benefits to the part time teacher and for appointing a part time teacher on regular scale of pay, it is necessary to appoint him as a Shikshan Sevak for a period of three years. The petitioner as observed supra was never appointed as Shikshan Sevak at any material point of time and was directly appointed as Assistant Teacher/lecturer on 11.08.1999.

5. In the light of that, the case of the petitioner cannot be considered. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb / Feb. 19