



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

WRIT PETITION NO. 11442 OF 2018

Sunil Ramrao Shelke

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri S. R. Kolhare, Advocate for the Petitioner.

Shri V. M. Kagane, A.G.P. for the Respondent Nos. 1 to 3.

Shri R. K. Ingole, Advocate for the Respondent No. 4.

Shri D. M. Shinde, Advocate for the Respondent Nos. 5 to 7.

**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.
DATE : 03RD DECEMBER, 2024.**

FINAL ORDER :

. Heard the respective counsel. Heard finally by the consent of the parties.

2. The petitioner claims that he was serving as a teacher in the respondent No. 5 – school since 2002. However, in the year 2017-2018, school has received 20% grant in aid as per the Government Resolution dated 02.06.2016. Five posts were admissible for 20% grant. However, petitioner has apprehension that management did not send his proposal, though his post was sanctioned. His counsel submits that the petitioner was sincerely discharging services, but he has not been given benefit of the grant received to the school from time to time. He made the

representation to the Deputy Director of Education, Latur Division, Latur.

3. The learned A. G. P. as well as learned counsel for the management would argue that the petitioner is absent from duties since 02.07.2018 and the management has issued a notice to the petitioner to remain present and render the service. However, he did not join. The management never refused to send the proposal of the petitioner. Even today one post is kept vacant.

4. To counter above allegations, learned counsel for the petitioner would submit that the petitioner is rendering services sincerely since the year 2002.

5. The fact remains that the petitioner did not sign the muster role. The management did not take any action for his absence as provided in M. E. P. S. Rules, 1981. His absence even deemed to have been voluntarily abandoning his services. Both contesting respondents are coming with a case that even the petitioner joins today, his proposal for getting the grants received to the school from time to time would be sent.

6. Learned counsel for the petitioner on taking instructions from the petitioner at bar, made a statement that the petitioner is ready to join the duty and he would not claim the arrears of the benefit from the date of his absence till he joins the school.

7. For the years the post was kept vacant without caring for the education of the students. The management knows better why the post was kept vacant at the cost of educational loss of the students. The management is ready to allow the petitioner to join by tomorrow. The petitioner is also ready to join tomorrow. After his joining, the management is ready to forward the proposal for getting benefit of grant in aid received to the school/management.

8. In view thereof, petition is partly allowed.

9. The petitioner should join services within Thursday from today.

10. The respondent No. 5 should sent the proposal of the petitioner as required under the law within a week if the petitioner joins.

11. If the petitioner would not join within two (02) days from today, this petition would be treated as dismissed.

[SHAILESH P. BRAHME J.]

[S. G. MEHARE, J.]

bsb/Dec. 24