

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

WRIT PETITION NO. 5296 OF 2018

Sardar Harichandra Kayate .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri U. R. Awate, Advocate h/f Shri D. B. Pawar, Advocate for the Petitioner.

Shri K. B. Jadhavar, A.G.P. for the Respondent No. 1.

Shri A. D. Aghav, Advocate for Respondent Nos. 2 and 3.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 22ND JULY, 2019.

FINAL ORDER :

. The contention of the petitioner is that, the petitioner has worked as Vasti Shala teacher from 06.09.2005 till 31.12.2007 with the Vasti Shala namely Ganpati Wadi Vasti School, Kendra Avahana, Tq. Badnapur under Gram Panchayat Avahana. According to the learned counsel, as per the Government Resolution dated 01st March, 2014, the petitioner is entitled to be appointed as an Assistant Teacher.

2. According to the petitioner, under the impugned order the Education Officer concluded that the petitioner has not worked

for two years that is the requirement under law. The learned counsel submits that, in fact, on 15.05.2017, the Chief Executive Officer conducted the hearing. Thereafter on 19.05.2017, the Education Officer (Primary), Jalna directed Block Education Officer to make an enquiry in respect of the matter enumerated in the said letter dated 19.05.2017. The impugned order only refers to the hearing on 15.05.2017 and no further. The payment slips were placed on record showing the payment made to the petitioner. The petitioner has given the chart at page 81. The said chart appears to be of the payment made from 07.11.2005 to 14.11.2007. It further appears that, till 10th April, 2007, the payment was made by cheque and thereafter by cash.

3. The authority will have to be convinced about payment being made by the Gram Panchayat/Zilla Parishad. The Head Master cannot make payment from his own pocket. As to the date when the Vasti Shala was closed down, the said date would be relevant to come to the conclusion whether the petitioner has worked for two years till closure of Vasti Shala. Until and unless the petitioner has worked for two years, the petitioner is not entitled for the benefit of G. R. to treat him as a para teacher and/or assistant teacher.

4. Considering the above, we direct the Chief Executive Officer, Zilla Parishad, Jalna to consider the entire record. The

petitioner may place additional record, if he so chooses. The C. E. O. Z. P. Jalna shall take decision as to whether the petitioner has worked for two years and till the Vasti Shala was closed down as Vasti Shala teacher. The said decision shall be taken expeditiously and preferably within a period of four (04) months from today.

5. The writ petition accordingly is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 19