

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10250 OF 2018

Chandrakant Sachadeo Nikam

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Ms S.P. Mahajan, Advocate for Petitioner

Mrs. A.V. Gondhalekar, Additional Government Pleader for
Respondent/State

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 27th FEBRUARY, 2019

ORAL ORDER:

1. Heard.
2. The petitioner claims to be appointed as part-time Librarian w.e.f. 01.07.1996 and the appointment of the petitioner as part-time Librarian is also approved. It is submitted that the petitioner had earlier filed Writ Petition for payment of the pay scale applicable to the graduate part-time Librarian. This Court in Writ Petition No7396/2013 under order 21st October, 2013 observed that the petitioner would be entitled to proper pay scale based on the qualification. The petitioner's qualification is B.Com. B.Lib. This Court in the Judgment and order dated 28.04.2011, passed in Writ Petition No. 177/2011 with connected Writ Petitions also held that those persons possessing graduate degree in Library Science and appointed after 27th

December, 1979 are entitled for the revised pay scale as provided therein. It had interpreted the graduate with degree in Library Science or diploma holder and appointed before 27th December, 1979 more particularly the word or as disjunctively. So, it was only those diploma holders appointed before 27th December, 1979 or those graduate with degree in Library Science even appointed after 1979 would be entitled for the revised pay scale as laid down in the Government Resolution dated 01.10.1988.

3. In light of the above, we hold that the petitioner would be entitled for the revised pay scale of Rs.1400-2300 as per Government Resolution dated 01.10.1988 and subsequent revisions from time to time. The petitioner shall be paid 50 % of the salary of said pay scale as detailed above.

4. The proposal of the petitioner for approval as full time Librarian is pending with the Authority. In case the said proposal is pending, the Authority shall decide it on its own merits expeditiously, and preferably within a period of four months.

5. The Writ Petition is disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE