

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

WRIT PETITION NO. 14203 OF 2019

**LAXMI SURSING SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner :
Mr. Jain Gajendra Devichand
AGP for Respondents / State :
Mrs. A. V. Gondhalekar
Advocate for Respondents No. 3, 6 & 7 :
Mrs. Vaishali S. Chaudhari

...

WITH

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**JAGDISH MAGAN PATIL
VERSUS
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Advocate for Respondents No. 3, 6 & 7 :
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**CORAM: S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATE: 28th NOVEMBER, 2019

PER COURT:

1. After hearing Mrs. Chaudhari, learned counsel
for Respondent Nos. 3, 6 and 7 and learned

Additional Government Pleader, the undisputed facts are as under:

The petitioners were appointed as Swyamsevaks. They have passed XII standard examination. The petitioners were working under the scheme namely "Sarva Shiksha Abhiyan" right since the year 2001. In or about 2007, all Vasti Shalas were transferred in "Sarva Shiksha Abhiyan". As per Government Resolution dated 05.02.2009 those who were working under the scheme "Sarva Shiksha Abhiyan" are to be appointed as para teachers. The petitioners were working in the schools which were under the scheme of 'Special Action Plan'. Those schools were directed to be closed down from 31.10.2010. It is also admitted that petitioners were working up to 31.3.2010.

2. According to the petitioners, the Joint Director (Administration) of Maharashtra Prathamik Shikshan Parishad has directed Education Officer (Primary), Zilla Parishad, Nandurbar to appoint such Swyamsevaks who were working in the closed Vasti Shalas as para teachers, more particularly,

in conformity with the Government Resolutions dated 31.07.2009 and 27.09.2011. The petitioners in a way are seeking implementation of the said directions.

3. Considering the aforesaid undisputed facts, there should not be any impediment for the Respondent-authorities to implement the said orders which are to be implemented in tune with the Government Resolutions dated 31.07.2009 and 27.09.2011. Mrs. Chaudhari, learned counsel for the Education Officer states that at present posts are not vacant for Scheduled Tribe candidates and that directions of the Government are required. In fact, the directions are already issued by the Joint Director (Administration) of the Maharashtra Prathamik Shikshan Parishad. The said directions are also to the effect that the appointment of such persons are to be made as para teachers in conformity and in tune with the Government Resolution as referred to in said Resolution (page 63). It is for the authorities to implement in its true letters and spirit.

4. Considering the above, we pass the following order:

a) The Respondents shall implement the directions dated 09.04.2013 (page 63) issued by the Joint Director (Administration), Maharashtra Prathmik Shikshan Parishad in its true letters and spirit expeditiously, preferably within six (06) months.

b) The writ petitions are disposed of. No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]

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