

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

919 WRIT PETITION NO.14904 OF 2019

SANTOSH HILAL PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Jain Gajendra Devichand.
AGP for Respondents-State : Mr. P. N. Kutti.
Advocate for Respondent Nos.3, 6, 7 : Mrs. Vaishali S. Choudhari.

...

**CORAM : S.V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.**

DATE : 11.12.2019

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 petitioner was appointed as Swyamsevak. He has passed XII standard examination. The petitioner was 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 petitioner was 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 petitioner was working up to 31.3.2010.

2. According to the petitioner, the Joint Director (Administration) of Maharashtra Prathamik Shikshan Parishad has directed Education Officer (Primary), Zilla Parishad, Nandurbar to appoint such Swyamsevak who was working in the closed Vasti Shalas as para teacher, more particularly, in conformity with the Government Resolutions dated 31.07.2009 and 27.09.2011. The petitioner in a way is 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. 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 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 petition is disposed off. No costs.

(AVINASH G. GHAROTE, J.)

(S.V. GANGAPURWALA, J.)

...

vmk/-