

DDR

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6546 OF 2018**

Patil Tukaram Bhagwan	..Petitioner
vs.	
The State of Maharashtra & ors.	..Respondents

**ALONG WITH
WRIT PETITION NO.6642 OF 2018**

Lengare Vishnu Nivrutti	..Petitioner
vs.	
The State of Maharashtra & ors.	..Respondents

....

Shri Y.B. Lengare for the petitioners in both Writ Petitions
Ms. M.S. Bane, AGP for respondent Nos.1, 2 and 6 in both Writ
Petitions.
Shri Ashish P. Pawar for respondent Nos. 4 and 5 in both Writ
Petitions.

....

CORAM : M.S.KARNIK, J.

DATE : 9th APRIL, 2019

P.C. :

Rule. Rule is made returnable forthwith by consent
of the parties and heard finally.

2. The petitioners by these Petitions filed under Article
226 and 227 of the Constitution of India, are challenging an

order dated 21st April, 2018 passed by the Education Officer (Secondary), Zilla Parishad, Sangli, denying benefits of One Time Bound promotion on the basis of G.Rs. dated 30th April, 1998, 1st April, 2010 and 5th July, 2010.

3. Learned Counsel for the petitioners submits that first benefit of One Time Bound Promotion Scheme on completion of 12 years was granted to the petitioners. However, the same is denied to them upon completion of 24 years. Learned Counsel for the petitioners invited my attention to GR dated 2nd March, 2019. According to him, their cases are squarely covered by GR dated 2/3/2019. The Government has now come out with new Policy giving the benefit in three stages after completion of 10 years, 20 years and 30 years.

4. Learned Counsel for the petitioners submits that they will be satisfied that if their cases are considered in terms of GR dated 2/3/2019, as according to him, they are eligible for the benefits under the said GR.

5. Learned AGP on instructions of the Education Officer would submit that if respondent No.4 and 5 – Management submit a proposal to that effect to the Education Officer (Secondary), Zilla Parishad, in respect of the petitioners, the same shall be decided in accordance with GR dated 2/3/2019.

6. In this view of the matter, learned Counsel for the petitioners submits that for the present, they would not proceed with the challenge to the impugned orders dated 21/4/2018. He submits that in case if they get the benefits as per GR dated 2/3/2019, they would give up their claim in Writ Petition No.6546 of 2018 and Writ Petition No. 6642 of 2018 in challenge to the impugned orders therein. Hence the following order :

ORDER

I) Respondent Nos.4 and 5 – Management submit a proposal in respect of the petitioners in terms of the GR dated 2/3/2019 within a period of two weeks from today.

II) Upon receipt of the proposal so submitted, respondent No.2 – Education Officer to take a decision on the said proposal in terms of the GR dated 2/3/2019 within a period of eight weeks.

III) In case the petitioners are granted benefits in terms of GR dated 2/3/2019, Undertakings of the petitioners to give up their challenge raised in Writ Petition No.6546 of 2018 and Writ Petition No. 6642 of 2018 is accepted.

7. The Writ Petitions are disposed of.

8. Rule is partly made absolute with no order as to costs.

9. Parties to act on the basis of authenticated copy of this order.

(M.S.KARNIK, J.)