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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6910 OF 2014

Shri. Amol Baburao Gitte	)	
Aged 27 years, Occupation	)	
Service at Sou. Saraswatibai	)	
Gawade Primary School,	)	
Taleranagar, Chinchwadgaon,	)	
Pune – 411033	)	 Petitioner

V/s

1] The State of Maharashtra,	)	
Through the Secretary,	)	
School Education Department,	)	
Mantralaya, Mumbai -400032	)	
	)	
2] The Deputy Director of	)	
Education, Pune Region, Pune	)	
	)	
3] The Education Officer(Primary))	)	
Zilla Parishad, Pune.	)	
	)	
4] The Administrative Officer,	)	
Pimpri Chinchwad Municipal	)	
Corporation School Board, Pune	)	
	)	
5] Shree Chhatrapati Shivaji	)	
Maharaj Smarak Samiti,	)	
C/o. Sou. Saraswatibai Gawade	)	
Primary School, Taleranagar	)	
Chinchwadgaon, Pune-411033	)	
Through its Chairman/Secretary	)	
	)	
6] Sou Saraswatibai Gawade	)	
Primary School, Taleranagar,	)	

Chinchwadgaon, Pune-33)
Through its Head Master)

Mr. N. V. Bandiwadekar, Advocate for the Petitioner.

Mr. S. B. Kalel, AGP for Respondent Nos.1 & 2.

Mr. D. R. More a/w Mr. N. J. Mohite, Advocate for Respondent No.4.

None for Respondent Nos. 3, 5 and 6, though served.

**CORAM: B. R. GAVAI &
DAMA SESHADRI NAIDU, JJ.**

DATE: 14th MARCH, 2019

ORAL JUDGMENT: (Per B.R. Gavai, J.)

1] Rule. Rule is made returnable forthwith. Heard by consent of learned Counsel for the Petitioner, learned AGP for Respondent Nos. 1 and 2 and learned Counsel for Respondent No.4. Though duly served with the notice of Court, Respondent Nos. 3, 5 and 6 neither appeared themselves nor put their appearance through the lawyer.

2] The facts in the present case are not in dispute. Petitioner came to be appointed as Shikshan Sevak in Respondent No.6 – School under the Management of Respondent No.5. The approval to the appointment of the Petitioner was duly granted by Respondent No.4 by an Order dated 06/07/2010. As per Rules and Regulations, the

Petitioner ought to have been confirmed as regular teacher on completion of three years' service as Shikshan Sevak. The said period has been completed on 14/06/2013. However, since Respondents did not consider the Petitioner's service as permanent Assistant Teacher, Petitioner was required to approach this Court by way of present Petition.

3] During pendency of the Petition, Petitioner has, in fact, been paid salary to which regular Assistant Teacher is entitled to from 01/04/2015. On account of subsequent developments, Petitioner's services were rendered surplus and he has now been absorbed elsewhere. However, this is not germane for deciding the issue involved in the present Petition. The question which arises for consideration is difference of salary paid to the Petitioner between 15/06/2013 and 31/03/2015. Petitioner, undisputedly, has been paid honorarium for the said period as Shikshan Sevak. However, on completion of three years' satisfactory service as Shikshan Sevak, Petitioner would be entitled to regular salary as an Assistant Teacher from 15/06/2013.

4] In that view of the matter, Petition is allowed in the following terms:

(i) Respondent Nos. 5 and 6 are directed to submit a proposal of the Petitioner to Respondent No.4 for payment of difference of honararium paid to the Petitioner as Shikshan Sevak and the salary to which the Petitioner would have been entitled to as an approved Assistant Teacher for the period between 15/06/2013 and 31/03/2015.

(ii) After receipt of the said proposal, Respondent No.4 shall approve the same and submit the same to Respondent No.3.

(iii) Respondent No.3 shall, after scrutinizing the proposal, release the difference of salary to

the Petitioner within a period of one week from receipt of the said proposal from Respondent No.4.

(iii) It is directed that time limit prescribed herein shall be strictly adhered to by the Respondents. Non-compliance of the time schedule by any of the Respondents, including Respondent Nos. 5 and 6 would entail initiation of contempt proceedings.

5] Rule is made absolute in the aforesaid terms. However, there shall be no order as to costs.

(DAMA SESHADRI NAIDU, J.)

(B. R. GAVAI, J.)