

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

WRIT PETITION NO.13100 OF 2017

Laxman Ladkya Ahadi ... Petitioner.
V/s.
State of Maharashtra & Ors. ... Respondents.

Mr.Sanjiv Sawant with Mr.Samir Suryawanshi with Mr.Heramb
Kadam for the Petitioner.
Mr.K.R.Kulkarni AGP for Respondent Nos.1 and 2 – State.
Mr.Ajit M. Savagave for Respondent Nos.3 and 4.

**CORAM : R. M. BORDE AND
N. J. JAMADAR, JJ.**

DATE : 3RD JULY, 2019.

P.C.:

1] The petitioner has approached this Court on account of refusal/inaction on the part of the respondents in considering the request of the petitioner to accommodate him as primary teacher in the school operated by the Zilla Parishad. The petitioner was appointed as Swayam Sevak i.e. Para-Teacher since 13th June, 2006 to July 2008.

2] In the year 2008 in pursuance of the directions issued by the Central Government, the State Government decided to close down Vasti school and convert Vasti school to primary school under Zilla Parishad. The State Government took decision on 31st July, 2009 to accommodate voluntary teachers, who have been functioning since last two years, as Para-Teachers in view of Government Resolution dated 31st July, 2009. The petitioner contends that he has functioned as voluntary teacher for a period of three years and as such he

is entitled to claim benefit under the Government policy. It is not matter of dispute that in view of policy adopted by the State Government, Vasti school has been converted into primary school in the year 2008. Admittedly, the petitioner was functioning upto 31st June, 2008 as voluntary teacher. The petitioner, thus, was entitled to be accommodated in view of policy of the State Government as Para-Teacher in the primary school operated by the Zilla Parishad.

3] It is contention of the respondents that the petitioner has abandoned the services in June 2008 and as such he has not been accommodated. The contention raised by the respondent Zilla Parishad as well as the State Government appears to be without any foundation for the reason that admittedly the petitioner was functioning till 30th June, 2008 and thereafter Vasti school has been converted into primary school as per policy adopted by the respondents. Since the petitioner was functioning for the period of two years as Para-Teacher in Vasti School, he is entitled to claim benefit under Government policy and is liable to be appointed as Para-Teacher on conversion of Vasti School into primary school. There is no question of abandonment of service by the petitioner and it was for the Zilla Parishad to appoint him as Para-Teacher in primary school in view of policy declared by the State Government. Since the respondents have not taken any steps for implementation of the policy decision in case of the petitioner, according to us, his request for accommodation as Para-Teacher in primary school operated by Zilla Parishad ought to have been considered favorably. The petitioner is entitled to claim benefits under Government Resolution dated

31st July, 2009 and respondent - Zilla Parishad shall appoint the petitioner as Para-Teacher in accordance with guidelines laid down by the said Government Resolution and it is directed accordingly. The respondent shall take steps and observe directives issued by this Court as expeditiously as possible and preferably within three months from today. Rule is made absolute in the aforesaid terms. There will be no order as to costs.

(N. J. JAMADAR, J.)

(R. M. BORDE, J.)