

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.1982 OF 2018

Smt. Sangita w/o Prakash Patil,
age: 47 years, Occ: Service,
R/o 122, Baliram Peth, Jalgaon,
Tq. & District Jalgaon.

Petitioner

Versus

- 01 The State of Maharashtra,
through the Secretary,
Education Department,
Mantralaya, Mumbai-32.
- 02 Director,
Maharashtra State Education
Research and Training
Institute, Pune.
- 03 Director of School Education,
Maharashtra State, Pune.
- 04 Deputy Director of Education,
Nashik.
- 05 National Council for Teachers
Education, Western Regional
Committee, Bhopal,
Tq. & Dist. Bhopal,
Madhyapradesh State.
- 06 Shikshan Mandir, Jalgaon,
through its President/Secretary,
Jilha Peth, Jalgaon, Tq. & District
Jalgaon.
- 07 Training College for Women,
Jalgaon, through its Principal,
Jilha Peth, Jalgaon,
Tq. & District Jalgaon.

Respondents

Ms. Surekha.P.Mahajan, advocate for the petitioner.
Mr. S.D.Ghayal, AGP for Respondents No.1 to 4.
Mr.N.S.Tekale, advocate for Respondent No.5.
Respondents No. 6 & 7 served.

**CORAM : Z.A.HAQ AND
S.M.GAVHANE, J J.**

DATE : 24th February, 2020.

ORAL JUDGMENT (Per Z.A. Haq, J.) :

1 Heard. Rule. Rule made returnable forthwith.

2 The grievance of the petitioner is that though she is working as Librarian in the Respondent No.7-Institution, she is being continued on honourarium and she is not treated as regular employee, as the proposal submitted by Respondent No.7-Institution, in that regard, is rejected by the Respondent No.1-State.

3 The proposal sent by Respondent No.7-Institution is rejected by the Respondent No.1-State on the ground that the requirement of appointing a regular Librarian is that, there should be enrolment of 50 students or more in each class.

4 The learned Advocate for the petitioner has pointed out a communication sent by the Deputy Director of Education, Nasik Division, on 04/11.06.2012 to the Director, Maharashtra State Education, Research and Training, and the communication dated 13.05.2014, sent by the Director, Maharashtra State Education, Research and Training, to the Respondent No.1-State, by which, both these authorities have recommended the grant of approval/sanction for the post of Librarian in the Respondent No.7-Institution. The learned advocate for the petitioner submitted that the proposal regarding appointment of the petitioner as Librarian on regular basis is rejected by the Respondent No.1-State without considering the above recommendations.

5 The learned AGP for Respondents No.1 to 4 and learned advocate for Respondent No.5 referred to clause 5 of the Norms and Standards and supported the impugned decision.

6 After going through clause 5, referred above, we find that no such condition of enrolment of at least 50 students in each class is prescribed for appointment of administrative and professional staff, which includes the post of Librarian. It would be an absurdity to read such condition for appointment of

administrative and professional staff also, inasmuch as, if it is done in that manner, there will be no administrative staff like Clerk or Office Superintendent in the Institution if the enrolment of students in every class is less than 50. Moreover, it would not be in the interests of students to read such a condition while considering the claim for appointment of regular Librarian in the Institution. It cannot be said that if there are 48 or 49 students in the class, there cannot be the post of regular Librarian.

7 Be that as it may, as we find that the impugned decision is taken giving a complete go-by to the recommendations made by the competent authorities – the Deputy Director of Education and Director, Maharashtra State Education, Research and Training, in our view, interests of justice would be subserved by passing the following order:

[i] The matter is remitted to the Respondent No.1-State for reconsidering the proposal submitted by Respondent No.7-Institution for regular appointment of the petitioner on the post of Librarian.

[ii] The Respondent No.1-State shall take fresh decision in the matter considering the recommendations made by the

Deputy Director of Education and Director, Maharashtra State Education, Research and Training. The decision shall be taken and communicated to the petitioner till 05.05.2020.

8 Rule is made absolute in the aforesaid terms. In the circumstances, the parties to bear their own costs.

S.M.GAVHANE
JUDGE

adb

Z.A.HAQ
JUDGE