

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9667 OF 2018

Mital Vithal Patil ...Petitioner
vs.
The State of Maharashtra & Ors. ...Respondents

AND

WRIT PETITION (STAMP) NO. 3588 OF 2020

Surana Rajaram Belagade ...Petitioner
vs.
The State of Maharashtra & Ors. ...Respondents

AND

WRIT PETITION (STAMP) NO. 3821 OF 2020

Nainita Pandurang Nanavare ...Petitioner
vs.
The State of Maharashtra & Ors. ...Respondents

AND

WRIT PETITION (STAMP) NO. 1550 OF 2020

Kondiba Maruti Tangale ...Petitioner
vs.
The State of Maharashtra & Ors. ...Respondents

AND

WRIT PETITION (STAMP) NO. 5606 OF 2020

Arvind Shashikant Hogade ...Petitioner
vs.
The State of Maharashtra & Ors. ...Respondents

AND

WRIT PETITION (STAMP) NO. 3579 OF 2020

Vaishali L. Kharat ...Petitioner
vs.
The State of Maharashtra & Ors. ...Respondents

AND

WRIT PETITION (STAMP) NO. 3578 OF 2020

Dattu S. Lawate

...Petitioner

vs.

The State of Maharashtra & Ors.

...Respondents

....

Mr. Narendra Bandiwadekar, a/w. Mr. Vinayak Kumbhar, i/b. Mrs. Ashwini Navjyot Bandiwadekar, for the Petitioners.

Mr. Y.D. Patil, AGP, for Respondent Nos. 1 and 2.

Mr. Milind Deshmukh, for Respondent No.3.

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**CORAM: S.C. GUPTE &
MADHAV JAMDAR, JJ.**

DATE : 29 OCTOBER, 2020.

PC:-

. These seven petitions concern upgradation of the respective Petitioners, who are working as part time teachers, as full time teachers in accordance with the Government policy.

2. It is not in dispute that the Petitioners were duly appointed as part time Shikshan Sevaks in the concerned educational institutions and their appointments were approved by Respondent No.2 Deputy Director of Education. It is also not in dispute that in accordance with circular issued by the Education Department on 31 January 2001, and G.R. issued by the Respondent State on 10 June 2005, the Petitioners are eligible to be considered for upgradation as full time teachers on proper applications submitted in that behalf to the education authorities. In a number of similarly placed cases (Writ Petition No.482 of 2002 and others), a Division Bench of this Court, by its order dated 10 July 2019, whilst disposing of the petitions of concerned teachers, granted liberty to the petitioners to make

representations and directed the education authorities (Education Officer or Deputy Director of Education, as the case may be) to issue appropriate instructions/directions for facilitating their absorption in accordance with the State policy in a time bound manner. Learned AGP does not dispute that the facts of this case are no different from the facts of those cases.

3. The petitions are, accordingly, disposed of by giving liberty to the Petitioners to file appropriate applications/representations for absorption as full time teachers in accordance with the State policy. The concerned Education Officer or Deputy Director of Education, as the case may be, shall, on receipt of such applications/representations, extend opportunity of hearing to the Petitioners and the concerned institutions (who are arraigned as Respondent No.3 in each of these petitions), and, thereafter, issue necessary instructions/directions for facilitating absorption of the Petitioners in accordance with the policy of the Respondent State, as expeditiously as possible, and preferably within a period of four months from the date of receipt of the applications/representations. In the event the Petitioners are found eligible for absorption either as full time Shikshan Sevaks or full time Assistant Teachers in the concerned private institutions, the authorities, i.e. the Education Officer or Deputy Director of Education, as the case may be, shall issue directions to the employer institutions for submitting appropriate proposals for grant of approval to upgradation of the Petitioners as full time Shikshan Sevaks/Assistant Teachers.

4. Leave to amend Writ Petition (Stamp) No.5606 of 2020 by correcting the name of Respondent No.3 therein. Amendment to be carried out within one week. Re-verification dispensed with.

5. This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(MADHAV JAMDAR, J.)

(S.C. GUPTE, J.)