

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 958 OF 2019

Smt. Archana Anand Shelar. ..Petitioner.
Versus
State of Maharashtra & Others. ..Respondents.

Mr. Y. B. Lengare for the Petitioner.
Mr. Vikas Mali, AGP for Respondent Nos.1 to 4.

Coram : R. K. DESHPANDE, &
PRITHVIRAJ K. CHAVAN, JJ.
Date : **March 11, 2020.**

P. C. :

1. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the respective parties.

2. The Petitioner is a part time librarian and claims the relief to consider her claim for the post of full time librarian from the academic session 1995-96, as per the Government Resolution dated 28th June 1994 and to grant her all consequential benefits as a result of grant of status as a full time librarian.

3. In the document at Exhibit-E to the petition [page no.25 to the petition] it is shown that the strength of students in

the school where the Petitioner was working as a part time librarian, was more than 1,000 right from the year 1995-96 to 2006-2007. The appointment of the Petitioner was on 2nd January 1995 as a part time librarian.

4. The stand of the Education Officer, Zilla Parishad, on affidavit dated 27th February 2019 filed in this petition is that as per the Government Resolution dated 3rd August 2006, it is only after 5 years of service as part time librarian conversion can be made to the post of full time librarian if the strength of students is more than 1,000. Paragraph 6 of the affidavit filed by the Education Officer, Zilla Parishad, Ragnagiri, being relevant, is reproduced below :

“6) I further say that in view of the said Government Resolution, if the school is having more than 1000 students for last three years w.e.f. 01/04/2006 and subject to the verification of strength of the students by the Education Officer and where the Part-time Librarian post has been sanctioned and the concerned employee has rendered five years’ of services, to them only, the said Government Resolution becomes applicable and the effect to the same is not retrospective and no arrears shall be payable by way of implementation of said Government Resolution as per Clause No.5 of the said Government Resolution.”

5. In the light of what has been stated in paragraph 6 above, claim of the Petitioner needs to be examined. We, therefore, direct Respondent No.3-the Education Officer to reconsider the case of Petitioner in the light of his own affidavit.

5. In the result, this writ petition is **partly allowed** and the following order is passed :

-: O R D E R :-

[1] The Education Officer to verify and confirm the date of completion of 5 years' service by the Petitioner on part-time basis and also the date from which the strength of students in the said school exceeds 1,000.

[2] After ascertaining the aforesaid factual position, the Education Officer shall grant the Petitioner deemed date as a full time librarian in accordance with the decision.

[3] On the basis of such decision, the Petitioner shall not be entitled to arrears. However, the services rendered by her on full time basis shall be counted for

all other purposes, as may be permissible in law, including for fixation in higher pay-scale and pensionary benefits.

[4] This exercise be carried out with the period of eight weeks after hearing the Petitioner and management.

[PRITHVIRAJ K. CHAVAN, J.]

[R. K. DESHPANDE, J.]