

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2635 OF 2020

Suchita Vasudev Patil

...Petitioner

V/s.

The State of Maharashtra

Through Secretary,

School Education & Sports Dept & Ors.

...Respondents

Mr.Prashant Bhavake for the Petitioner.

Mr.V.M. Mali, AGP for the Respondent-State.

CORAM : NITIN JAMDAR AND
C. V. BHADANG, JJ.

DATE : 5 April 2021

P.C.

. Heard learned counsel for the parties.

2. In view of the order that is proposed to be passed it is not necessary to issue notice to Respondent Nos.6 to 8.

3. The case and the grievance of the Petitioner is as follows. The Petitioner was appointed as a Shikshan Sevak from 15 June 2012 to 14 June 2015. The Education Officer, (Secondary) Raigad by order dated 20 February 2014 granted approval to the appointment of the Petitioners from 15 October

2013 to 14 October 2016 Thereafter by an order dated 8 March 2019, the Petitioner was declared as surplus. The Petitioner was absorbed in Respondent No.7-School.

4. According to the Petitioner, in view of Rule 5 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, after completion of 3 years on the post of Shikshan Sevak the Petitioner is deemed to be confirmed as a Assistant Teacher and is entitled to receive salary as such, however the Petitioner is still being paid honorarium as a Shikshan Sevak.

5. We do not find any communication by the Education Authority adjudicating Petitioners grievance or rejecting the prayer of the Petitioner for any reason. In these circumstances, it would be appropriate if the Petitioner makes a representation setting out all the necessary facts and legal position to the Respondent-Education Authorities and the Education Authorities take the necessary decision and consequential steps.

6. Accordingly Writ Petition is disposed of as follows:-

ORDER

(i) The Petitioner will make a representation to the Respondent-concerned Education Authority within a period of three weeks.

(ii) The concerned authority will take a decision in the matter within a period of six weeks thereafter. After considering the relevant legal and factual position.

If the grievance of the Petitioner is justified, steps to give the emoluments to the Petitioner be taken immediately.

(iii) In case the Petitioner is not so entitled, reasons be communicated to the Petitioner.

The Writ Petition is disposed of in above terms.

(C. V. BHADANG, J.)

(NITIN JAMDAR, J.)