

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6337 OF 2019

Rajendra Rangnath Sambhus

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr. V. H. Dighe, advocate for the Petitioner.

Mr. A. S. Shinde, AGP for Respondent Nos. 1 to 5.

Mr. S. S. Wagh, advocate for Respondent No.6.

CORAM : C. V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.

DATE : 04 July 2022.

PC :

By this petition under Article 226 of the Constitution of India, the petitioner is seeking upgradation to the post of full time Librarian as per the Government Resolution dated 28.06.1994 with effect from 15.03.1995.

2 The petitioner was appointed in Respondent No. 6-School as a part-time Librarian on 15.03.1995. The petitioner is holding the qualification as B.Com. and Librarian and Training

Course ('LTC'). The appointment of the petitioner was approved by the Education Officer. Subsequently, the petitioner has been appointed as a full time Librarian with effect from 01.04.2006, which appointment has also been approved by the Education Officer on 23.03.2007.

3 The petitioner is placing reliance on the Government Resolution dated 03.08.2006, by which it is provided that whenever and wherever strength of the students in the college exceeds one thousand, the post is required to be upgraded as full time Librarian.

4 The learned Counsel for the petitioner has placed reliance on the decision of this Court in batch of writ petitions bearing **W. P. No.12902 of 2018 and others (Punjahari Baburao Dighe & others Vs. State of Maharashtra & others)**, decided on **06.05.2022**, in order to submit that similar relief has been granted by this Court in identical circumstances.

5 On behalf of the Respondents, reliance is placed on the decision of this Court in **Writ Petition No. 2311 of 2013 (Satish Ganpatrao Patil Vs. State of Maharashtra & others)**, decided on **31.03.2015**.

6 However, learned Counsel for the petitioner points out that the decision in **Satish Ganpatrao Patil** (*supra*) has been considered by this Court in W. P. No. 12902 of 2018 in paragraphs no. 56 and 57 of the judgment and order dated 06.05.2022.

7 We have heard learned Counsel for the respective parties. Perused record.

8 It appears that the petitioner was appointed as a part-time Librarian in the Respondent-School on 15.03.1995 and has been subsequently appointed as full time Librarian with effect from 01.04.2006. The record also discloses that the strength of the students in the school had exceeded one thousand in the year 1994-95 itself, which aspect is not disputed on behalf of the Respondent-State. Thus, in our considered view, the petitioner would be entitled to the benefit of the Government Resolution dated 03.08.2006. The petitioner has since retired from service on 31.03.2021. This petition was, therefore, amended in order to incorporate prayer clause “B-1”, as under:

B-1) Hold and declare that, the petitioner is entitled for upgradation to the post of full time librarian as per Government Resolution dated

28.06.1994 w.e.f. 15.03.1995 and to issue appropriate writ or direction in the like nature directing the respondents to issue orders for upgradation as a full time librarian and to release all consequential monetary and service benefits in favour of the petitioner and for that purpose issue necessary orders.

9 The learned Counsel for the petitioner is restricting his claim to the extent of prayer clause “B-1” except that the petitioner is not claiming any arrears of salary from 15.03.1995 till 01.04.2006.

10 In that view of the matter, the petition is allowed in terms of prayer clause “B-1”, subject to the condition that the petitioner shall not be entitled to the arrears of salary for the period from 15.03.1995 to 01.04.2006. However, the said period shall be notionally reckoned for giving pensionary and all consequential benefits to the petitioner. Such benefits be extended within eight weeks from today.

SANDIPKUMAR C. MORE, J.

C. V. BHADANG, J.

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