

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

937 WRIT PETITION NO.1776 OF 2021

Renukadas Narharrao Joshi

... Versus ...

The State of Maharashtra and 4 others

...

Mr. S.S. Londhe, Advocate for petitioner

Mr. S.B. Yawalkar, AGP for respondent Nos.1, 2 and 4

...

WITH

WRIT PETITION NO.4088 OF 2019

Vijaykumar Dhondibhau Satpute

... Versus ...

The State of Maharashtra and 4 others

...

Mr. C.K. Shinde, Advocate for petitioner

Mr. S.B. Yawalkar, AGP for respondent Nos.1 to 4

Mr. S.D. Kotkar, Advocate for respondent No.5

...

WITH

WRIT PETITION NO.9613 OF 2019

Uttam Namdevrao Chavan

... Versus ...

The State of Maharashtra and 3 others

...

Mr. T.M. Venjane, Advocate for petitioner

Mr. S.B. Yawalkar, AGP for respondent Nos.1 to 3

Mr. V.S. Valse, Advocate for respondent No.4

...

WITH

WRIT PETITION NO.9854 OF 2019

Satyendra Sudamrao Maskar

... Versus ...

The State of Maharashtra and 5 others

...

Mr. A.N. Nagargoje, Advocate for petitioner
Mr. S.B. Yawalkar, AGP for respondent Nos.1 to 4
Mr. S.K. Chavan, Advocate for respondent Nos.5 and 6

...

WITH**WRIT PETITION NO.14640 OF 2019**

Madhukar Manikrao Patil

... Versus ...

The State of Maharashtra and 3 others

...

Mr. T.M. Venjane, Advocate for petitioner
Mr. S.B. Yawalkar, AGP for respondent Nos.1 to 3
Mr. V.S. Valse, Advocate for respondent No.4

...

WITH**WRIT PETITION NO.15062 OF 2019**

Uttam Devrao Kakde

... Versus ...

The State of Maharashtra and 4 others

...

Mr. T.M. Venjane, Advocate for petitioner
Mr. S.B. Yawalkar, AGP for respondent Nos.1 to 3
Mr. V.S. Valse, Advocate for respondent No.4

...

WITH**WRIT PETITION NO.15103 OF 2019**

Nandkishor Dnyanobarao Deshmukh

... Versus ...

The State of Maharashtra and 3 others

...

Mr. T.M. Venjane, Advocate for petitioner
Mr. S.B. Yawalkar, AGP for respondent Nos.1 to 3
Mr. V.S. Valse, Advocate for respondent No.4

...

WITH

WRIT PETITION NO.15134 OF 2019

Subhash Vitthalrao Khanapure
... Versus ...
The State of Maharashtra and 3 others

...
Mr. T.M. Venjane, Advocate for petitioner
Mr. S.B. Yawalkar, AGP for respondent Nos.1 to 3
Mr. V.S. Valse, Advocate for respondent No.4

...

WITH**WRIT PETITION NO.15372 OF 2019**

Ramesh Kashinathrao Hatte
... Versus ...
The State of Maharashtra and 3 others

...
Mr. T.M. Venjane, Advocate for petitioner
Mr. S.B. Yawalkar, AGP for respondent Nos.1 to 3
Mr. V.S. Valse, Advocate for respondent No.4

...

WITH**WRIT PETITION NO.201 OF 2020**

Santosh Ramu Rathod
... Versus ...
The State of Maharashtra and 3 others

...
Mr. T.M. Venjane, Advocate for petitioner
Mr. S.B. Yawalkar, AGP for respondent Nos.1 to 3

...

WITH**WRIT PETITION NO.1786 OF 2021**

Suresh Babanrao Dhoke
... Versus ...
The State of Maharashtra and 4 others

...

Mr. S.S. Londhe, Advocate for petitioner
Mr. S.B. Yawalkar, AGP for respondent Nos.1, 2 and 4

...

WITH

WRIT PETITION NO.1881 OF 2021

Ravindra Radhesham Mohite

... Versus ...

The State of Maharashtra and 4 others

...

Mr. S.S. Londhe, Advocate for petitioner

Mr. S.B. Yawalkar, AGP for respondent Nos.1, 2 and 4

...

WITH

WRIT PETITION NO.1882 OF 2021

Gajanan Panditrao Shinde

... Versus ...

The State of Maharashtra and 4 others

...

Mr. S.S. Londhe, Advocate for petitioner

Mr. S.B. Yawalkar, AGP for respondent Nos.1, 2 and 4

...

WITH

WRIT PETITION NO.9302 OF 2021

Suresh Babanrao Dhoke

... Versus ...

The State of Maharashtra and 3 others

...

Mr. S.S. Londhe, Advocate for petitioner

Mr. S.B. Yawalkar, AGP for respondent Nos.1 and 3

...

**CORAM : SMT. VIBHA KANKANWADI AND
Y.G. KHOBRADE, JJ.**

DATE : 18th OCTOBER, 2022

JUDGMENT : **[PER : SMT. VIBHA KANKANWADI, J.]**

1 Rule. Rule made returnable forthwith. Heard learned Advocates for the parties finally, by consent.

2 In view of the fact that all these writ petitions involved similar facts and the prayers arise out of similar cause of action, they have been considered together.

3 Heard all the learned Advocates for the respective parties in all the matters.

4 It has been pointed out by the learned Advocates for the petitioners that this Court in similar matters at this Bench as well as at the Principal Bench and also at the Nagpur Bench decided various writ petitions and especially the decision in **Writ Petition No.2074 of 2020, Raju Kishanrao Pawar vs. The State of Maharashtra and others**, decided by this Court on 01.10.2022. The present petitions can be disposed of with similar orders. All the petitioners were the Part Time Librarians and they were appointed in various schools. One of them only i.e. the petitioner Narayan Adsule was appointed prior to Government Resolution dated 28.06.1994 and others have been appointed after that Government Resolution. When similarly situated

employees have received the benefits under various orders by this Court, the petitioners herein also are entitled to get the same.

5 The learned AGP as well as learned Advocates for respondents for some of the cases do not dispute the facts of the case, however, they have taken the same objection that was taken earlier in different writ petitions.

6 We have extensively heard the submissions as well as the Judgments referred in Writ Petition No.2074 of 2020 as well as the other bunch that has been tendered by the petitioners have also been considered. The position that appears from the various Judgments is that in all the cases the petitioners were directed to be considered as Full Time Librarians and whenever the school stood complying with the requirements as per the Government Resolution, then, their post of Part Time has been upgraded. In **Raju Kishanrao Pawar** (supra) three categories of the employees were considered, which were as follows.

“The first category consists of all those Part Time Librarians who have been appointed in schools prior to the Government Resolution dated 28.06.1994 wherein clause 4 indicates the intention of the State to amend the Secondary School Code. These Part Time Librarians are now claiming benefits under the GR wherever the students strength in the school has grown beyond 1000.

Category two consists of those Part Time Librarians who claimed that their posts are upgraded from Part Time Librarians to Full Time Librarians in view of the GR dated 03.08.2006 which has been introduced in the light of the GR dated 28.06.1994 and the recommendations of the Director Education Mr. V.V. Chiplunkar Committee, with effect from 01.04.2006. Such upgradations were granted by the GR dated 03.08.2006 and all beneficiaries were to be treated as fresh appointments.

The third category consists all such Part Time Librarians who joined as Part Time Librarians and retired in the same capacity, thereby dis-entitling them of all the pensionary benefits.”

Thereafter, this Court went on to consider the Government Resolution dated 28.06.1994 and various pronouncements by this Court. Further, it has been considered that the Part Time Librarians claiming benefits of Full Time Librarians and then the retired employees claiming the upgradation as well as post retirement benefits. What were before the various Benches as well as at the Principal Seat of this Court and the consistent view in terms of the V.V. Chiplunkar’s Committee report as well as the Government Resolution dated 28.06.1994 followed by Government Resolution dated 03.08.2006, held to be not inconsistent with the provisions of the secondary school code. Further, the decision in **Writ Petition No.14935 of 2017** [Ganesh Narhar Chavan and others vs. The State of Maharashtra and others] decided on 11.03.2022, **Writ Petition No.2311 of 2013** [Satish

Ganpatrao Patil and others vs. The State of Maharashtra and others] decided on 31.03.2015, **Writ Petition No.12902 of 2018** [Punjahari Baburao Dighe and others vs. The State of Maharashtra and others] decided on 06.05.2022 and **Writ Petition No.6630 of 2013** [Kiran Keshavrao Girhe and others vs. State of Maharashtra and others] decided on 28.01.2015 were considered. It was also taken note of that decision in **Ganesh Narhar Chavan** (supra) as well as **Punjahari Baburao Dighe** (supra) has not been challenged by the State of Maharashtra before Hon'ble Supreme Court nor review petitions have been filed and, therefore, the benefits those were granted in those cases were extended while partly allowing the petitions and further directions have been given. The decision in **Raju Kishanrao Pawar** (supra) is the latest decision, which has taken into consideration almost all the earlier pronouncements by this Court. In this case also, it has been observed that "*Judicial discipline requires that a consistent view taken for a long period of time in similar set of facts, by coordinate Benches, should not normally be disturbed*". We are also of the same view. When the point involved of similarly situated employees have been elaborately considered, then, the judicial propriety/discipline requires this Court to follow the decision of the Coordinate Bench, unless and until it is shown that such decision has been disturbed by the superior Court or it suffers some illegality.

7 In view of the above, these petitions are partly allowed in terms of benefits granted in the operative part of the orders in **Ganesh Narhar Chavan** (supra), **Punjahari Baburao Dighe** (supra) and **Raju Kishanrao Pawar** (supra). We would add the following directions to the above :

A) The State of Maharashtra would verify the case of each petitioner before us in the light of their service conditions and tenure of employment and upon confirming that they are entitled for the benefits in the light of the directions set out in **Ganesh Narhar Chavan** (supra), in **Punjahari Baburao Dighe** (supra) and in **Raju Kishanrao Pawar** (supra), would proceed to extend such benefits to them as expeditiously as possible and preferably on or before 31.03.2023.

B) In cases where the State of Maharashtra comes to a conclusion that a particular petitioner is not entitled for the benefits, a reasoned order would be passed and the said order would be communicated to the concerned petitioner within a period of 30 days, on the last known address or on the address mentioned in the memo of the petition.

C) Such aggrieved petitioners would be at liberty to assail the

said order by resorting to a remedy as is permissible in Law.

D) Akin to the orders passed by this Court at the Nagpur Bench and in **Raju Kishanrao Pawar** (supra), none of these petitioners would be entitled for the arrears of difference of wages.

E) Since it has been granted in **Ganesh Narhar Chavan** (supra), in **Punjabari Baburao Dighe** (supra) and in **Raju Kishanrao Pawar** (supra), the State is required to compute 50% of the service rendered as a Part Time Librarian along with the period of 100% service rendered as Full Time Librarian, for the purposes of computing pensionable service.

8 Rule made absolute in above terms. No order as to costs.

(Y.G. Khobragade, J.)

(Smt. Vibha Kankanwadi, J.)