

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

43 WRIT PETITION NO.12245 OF 2022

KISAN DADA MANE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS
WITH
44 WRIT PETITION NO.12250 OF 2022

AVINASH GULABRAO GANGARDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.A.S.Khedkar, Advocate for the petitioners.
Mr.S.G.Karlekar, Mr.P.S.Patil, AGP for respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : DECEMBER 19, 2022

PER COURT :

1. The petitioner in the first petition has put forth prayer clause A,B and C as under :-

"A. By issuing a writ of mandamus or any other appropriate writ, order or direction as the case may be, the respondents may kindly be directed to extend the benefit of leave encashment and pay the monetary benefits arising therefrom to the petitioners within a stipulated period.

B. By issuing a writ of mandamus or any other appropriate writ, order

or direction as the case may be, the respondents may kindly be directed to pay leave salary in respect of earned leave to the credit of the petitioners as provided under Rule 68 of Maharashtra Civil Services (Leave) Rules, 1981, within a stipulated period.

C. By issuing a writ of mandamus or any other appropriate writ, order or direction as the case may be, the respondents may kindly be directed to pay leave salary in respect of earned leave to the credit of the petitioners at the time of retirement on superannuation as provided under rule 68 of Maharashtra Civil Services (Leave) Rules, 1981, within a stipulated period."

2. We find that the petitioners have moved a representation through a purported union by name *Shikshak Bharti Kendrapramukh Sanghatna, Maharashtra Rajya*. The said representation appears to have been forwarded by the Director, Education (Primary), Maharashtra State, Pune to the Under Secretary (TNT-1), School Education and Sports Department at Mumbai, dated 20.09.2021.

3. Since the claim of such central heads working in different Zilla Parishads in the State of Maharashtra will have to be considered by the State Government and device a policy, if not already in place, we deem it appropriate to direct respondent No.1, in co-ordination with respondent Nos. 2 and 3 and the various Zilla Parishads, to deal with

the said issue.

4. Let a decision be arrived at for the entire State and not restricted to the Central Heads, working under the Zilla Parishad, Ahmednagar. Such decision be arrived at, on or before 31.05.2023. We are granting 6 months time in order to enable these respondents to take effective steps and we expect that the respondents would commence this exercise in the light of this order, expeditiously.

5. In view of the above, this petition is disposed off.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)