

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11449 OF 2022**

Kranti Ajit Patil

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. N. V. Bandiwadekar I/b. Sou. Ashwini Bandiwadekar for the
Petitioner

Mrs. P. N. Diwan, AGP for the State

**CORAM: S.V.GANGAPURWALA &
R.N. LADDHA, JJ.**

DATED : SEPTEMBER 27, 2022

P.C.

1 Mr.Bandiwadekar, the learned Counsel for the Petitioner submits that the Petitioner was appointed as a part time Shikshan Sevak in Respondent No.4 Junior College. She was also appointed as a part time Shikshan Sevak in Respondent No.5 College. The work load of both the part timers is equal to full time work load i.e. at least 18 clock hours in a week.

2 The learned AGP submits that there is no provision of consolidating both the part timers and treat it as full time.

3 The Government Resolution dated 5th January 1982 prescribes that the part time junior college teachers who work in more than one junior college under the same Management and put in full time work

load i.e. 18 clock hours, should be considered as a full time. The same appears to have been reiterated in Government Resolution dated 13th August 1996. Further, under communication dated 19th March 2008 the Government has also apprised that if there are two different junior colleges run by the same Management and two part time posts are available, the same would be considered as that of full time. The Director of Education under his communication dated 13th July 2009 has also stated that there is no necessity to seek further approval if two part time junior college teachers are teaching under the same Management and if approval is already granted. The Petitioner was appointed as a part time Shikshan Sevak in Respondent No.4 college in the year 2009. Subsequently, as a part time Assistant Teacher, after completion of three years. The Petitioner was appointed as a part time Shikshan Sevak with Respondent No.5 in the year 2017 and after completion of five years, is appointed as an Assistant Teacher with Respondent No.5.

4 The Petitioner, since the year 2020 i.e. after completion of three years as a part time Shikshan Sevak with Respondent No.5, is working as an Assistant Teacher with Respondent No.4, so also with Respondent No.5 under the same Management i.e. - Respondent No.3.

5 In light of that the Petitioner would be entitled for the salary of full time Assistant Teacher.

6 It is submitted that the Petitioner's appointment as a part time Assistant Teacher in Respondent No.4 and Respondent No.5 College has been approved.

7 In light of that the impugned communication is set aside.

8 The Respondent shall consider the Petitioner for payment of salary as a full time teacher as she is working as a part time Assistant Teacher in both Respondent No.4 and Respondent No.5 college run by the same Management.

9 The said exercise shall be done preferably within four months.

10 The Writ Petition is accordingly allowed. No costs.

(R.N. LADDHA,J.)

(S.V. GANGAPURWALA, J.)