

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3150 OF 2021

Varsha Vishwanath Khodave ...Petitioner

V/s.

Pune Municipal Corporation and Ors. ...Respondents

Mr. Anil V. Anturkar, Senior Advocate a/w. Irvin D'Souza i/b Mr. Sugandh B. Deshmukh for the Petitioner.

Mr. Abhijit P. Kulkarni for Respondent Nos.1 to 4.

Ms. Varsha V. Khodave, Petitioner present.

**CORAM : A. S. CHANDURKAR AND
G. A. SANAP, JJ.**

DATE : 26 APRIL 2022

P. C.

Rule. Rule made returnable forthwith by consent of the parties.

2. Heard learned counsel for the parties.

3. The petitioner is a qualified special teacher appointed with the Pune Municipal Corporation on 23/8/2010. By this order the petitioner was appointed on temporary basis for a period of one year. It is the case of the petitioner that initially the Standing Committee of the Municipal Corporation and thereafter its General

Body passed various resolutions continuing the appointment of the petitioner and also recommending her appointment on permanent basis. Since the engagement of the petitioner was continued on temporary basis she has filed this writ petition praying that she be treated to have been permanently appointed on the post of Special Teacher.

4. Today, learned counsel for the Municipal Corporation has invited our attention to Government Resolution dated 8/7/2021 by which the State Government has sanctioned the staffing pattern and in that process has approved the grant of 4 posts of Special Teachers (Class III). Two new posts in that regard are sanctioned. The said Government Resolution is taken on record and marked 'A' for identification.

5. The learned Senior Advocate for the petitioner submits that as the petitioner was initially appointed on 23/8/2010 she is entitled to all benefits that accrue from such appointment. However, on instructions of the petitioner, who is present in the Court today it is submitted that the petitioner is not interested in any monetary benefits flowing from her initial appointment on 23/8/2010. However, considering the fact that continuous service has been rendered for a period of more than ten years, the petitioner could be permitted to make representation seeking non-monetary benefits admissible in accordance with law. We find that the request as made to be reasonable. In view of the aforesaid, the writ petition is disposed of by passing the following order.

- i) In view of Government Resolution dated 8/7/2021 sanctioning posts of four Special Teachers (Class III), the Municipal Corporation shall take necessary steps to ensure that the petitioner who has been serving from 23/8/2010 is accommodated on one such post. This is for the reason that presently the petitioner is the only Special Teacher serving with the Municipal Corporation;
- ii) The submission made on behalf of the petitioner that she is not interested in monetary benefits flowing from her initial appointment dated 23/8/2010 is accepted;
- iii) The petitioner is free to make a representation to the Municipal Corporation through its Commissioner seeking grant of non-monetary benefits in the form of continuity of service and other ancillary benefits in accordance with law. If such representation is made within a period of fifteen days from today the Municipal Commissioner shall consider the same in accordance with law within a further period of four weeks from the date of receiving the same. The decision taken shall be communicated to the petitioner;
- iv) With these directions the writ petition is disposed of.
- v) Rule accordingly. No costs.

(G. A. SANAP, J.)

(A. S. CHANDURKAR, J.)