

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

**WRIT PETITION NO. 8756 OF 2021
WITH
WRIT PETITION NO. 8763 OF 2021
WITH
WRIT PETITION NO. 8758 OF 2021
WITH
WRIT PETITION NO. 8764 OF 2021
WITH
WRIT PETITION NO. 8760 OF 2021
WITH
WRIT PETITION NO. 8765 OF 2021
WITH
WRIT PETITION NO. 8766 OF 2021
WITH
WRIT PETITION NO. 8761 OF 2021
WITH
WRIT PETITION NO. 8762 OF 2021
WITH
WRIT PETITION NO. 8767 OF 2021
WITH
WRIT PETITION NO. 8768 OF 2021**

Kiran Prabhakar Bhagare & Ors.) Petitioners

V/s.

**The State of Maharashtra, through
Assistant Government Pleader and Ors.) Respondents**

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**Mr. Saurabh Pakale i/by. Mr. Shankar Katkar,
Advocate for the petitioners.**

Mr. S.B. Kalel, AGP for State.

CORAM : S.V. GANGAPURWALA, &

S.M. MODAK, JJ.

DATE : TUESDAY, 28TH JUNE, 2022.

P.C. :

1. The contention of the petitioners is that, they are not paid the salary and honorarium, though they are entitled to. The appointment of the petitioners is approved as Shikshan Sevak for a period of 3 years. Then, the petitioners were granted permanent approval. However, in the order of approval as Assistant Teacher, a rider is attached that he would be entitled for salary from the date of the order of approval.

2. In case the petitioners' service is approved as Assistant Teacher from 1st October, 2015 then the petitioners would be entitled to the salary as per the pay-scale from 1st October, 2015. It is submitted that the said salary has not been paid by the State Government/Management and the salary is paid only from the date of approval.

3. If the petitioners are appointed on 100% grant-in-aid posts, the petitioners are entitled to honorarium as Shikshan Sevak for a period of three years and after completion of three years, the salary has to be paid under the relevant pay-scale as Assistant Teacher. In the present case, the services of the petitioners are approved as Shikshan Sevak and also as Assistant Teacher, upon completion of 3 years as Shikshan Sevak.

4. In view of the above, the petitioners would be entitled to honorarium for the period, the petitioner's services are approved as Shikshan Sevak and from the date, the petitioners services are approved as Assistant Teacher, the petitioners will be entitled to salary as Assistant Teacher.

5. In light of that, if the petitioners are not paid honorarium as Shikshan Sevaks, the respondents shall pay honorarium to the petitioners as Shikshan Sevaks and upon completion of three years and from the date the petitioners are brought in the cadre of Assistant Teacher in the pay-scale, shall be paid salary from the said date.

6. The respondents shall verify the same and pay honorarium and salary to the petitioners, if the same is not paid for the period, the petitioners are appointed as Shikshan Sevak and the salary as Assistant Teacher.

7. If the salary bills are not forwarded by the Institute, the same shall be forwarded within two months from today.

8. The Education Officer shall process the said salary bills within a period of two months thereafter.

9. The Writ Petitions are disposed of. No costs.

NEETA
SHAILESH
SAWANT

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NEETA SHAILESH
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Date: 2022.07.02
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(S.M. MODAK, J.)

(S.V. GANGAPURWALA, J.)