

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

46 WRIT PETITION NO.976 OF 2023

RAHANE ANANT SUKHADEO
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Shelke Shivaji T.
AGP for Respondents 1 and 2: Mr. S.G. Karlekar
Advocate for respondents 3 and 4: Mr. S.S. Wagh
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 30th JANUARY, 2023.**

PER COURT :-

1. The petitioner has put forth prayer clauses "A" and "B" as under:-

"(A) Direct the respondent nos. 1 and 2 to extend the benefits of full time librarian to the petitioner as per GR dt. 28.06.1994 at Exh. D and for that purpose issue necessary writ or order.

(B) Direct the respondent nos. 1 & 2, to extend the benefits of full time librarian to the petitioner as per GR dt. 28.06.1994 at Exh. D during the pendency of this petition."

2. We have considered the submissions of the learned advocate for the petitioner and the learned A.G.P. on behalf of respondent Nos. 1 and 2. Shri Wagh, the learned advocate appears on behalf of respondent Nos. 3 and 4.

3. In view of the above and considering the pleadings, we find that the order passed by this Court, dated 1.10.2022, in **Raju Kishanrao Pawar and others vs. State of Maharashtra and others**, (writ petition No. 2074 of 2020 and connected matters), keeping in view the earlier four judgments delivered by this Court, would be squarely applicable and the petitioners would be entitled for the same relief.

4. Though the learned A.G.P. has opposed this petition, he submits that the view taken by several coordinate Benches of this Court, has been considered in the order of this court, dated 1.10.2022, in **Raju Kishanrao Pawar (supra)**.

5. In paragraph No. 4 of the order passed in **Raju Kishanrao Pawar (supra)**, this court has noted as under:-

“4. In the backdrop of the exhaustive submissions of the learned Advocates for the respective sides, we find that the petitioners are wholly relying upon the Judicial pronouncements of this Court wherein the issues raised by all these petitioners, have been specifically dealt with. The Judgments on which the petitioners place reliance, are set out hereinunder :-

(A) Order dated 28/01/2015, delivered at Nagpur, in Writ Petition No.6630 of 2013 (Kiran Keshavrao Girhe & Others vs. State of Maharashtra and Others),

(B) Judgment dated 31/03/2015, delivered at Aurangabad, in Writ Petition No.2311/2013 (Satish Ganpatrao Patil & Ors. vs. The State of Maharashtra and Others),

(C) Judgment dated 11/03/2022, delivered at Aurangabad, in Writ Petition No.14935 of 2017 (Ganesh Narhar Chavan & Others vs. The State of Maharashtra & Others),

(D) Judgment dated 06/05/2022, delivered at Aurangabad, in Writ Petition No.12902 of 2018 (Punjahari Baburao Dighe & Others vs. The State of Maharashtra and Others)."

6. This court finally concluded in paragraph No. 21 in **Raju Kishanrao Pawar (supra)**, as under:-

"21. In view of the above, these petitions are partly allowed in terms of the benefits granted in the operative part of the orders in **Ganesh Narhar Chavan (Supra)** and in **Punjahari Baburao Dighe (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)** and in **Punjahari Baburao Dighe (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 **Punjahari Baburao Dighe** (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) and in **Punjahari Baburao Dighe** (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."*

7. The learned A.G.P. submits that the State is likely to file a review petition or prefer a special leave petition before the Hon'ble Supreme court in the light of the views expressed by the various Benches of this court, as noted above.

8. We need not express any opinion as regards the above contention of the learned A.G.P. Needless to state, if the Hon'ble Supreme court takes a particular view and settles the law on this point, the petitioners would be naturally bound by the said judgment. For the present, as several Benches of this court have adopted a similar view, this petition is partly allowed in terms of the benefits granted to other petitioners in **Ganesh Narhar Chavan & Others vs. The State of Maharashtra & Others** and **Punjahari Baburao Dighe & Others vs. The State of Maharashtra and Others**. Hence, the directions issued in paragraph No.21 in **Raju Kishanrao Pawar**

(*supra*), reproduced above, would stand extended to the case of the present petitioner.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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