

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.3462 OF 2023

**SHAM RAMCHANDRA RAJPUT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS**

...
Advocate for the Petitioners : Shri Shivaji T. Shelke Shivaji T.
AGP for the Respondents/State : Shri P.S. Patil
...

**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 28th March, 2023

Per Court :-

1. All these Petitioners are superannuated. They are ex-servicemen. The Government of Maharashtra introduced the Maharashtra Cadet Corps Scheme for imparting physical education and training to the students in secondary schools in the State. For the purpose of imparting proper physical education and training, the services of these ex-servicemen were roped in. They are from the ranks of Hawaldar/Subhedar, who were appointed as the Taluka Commandants (Taluka Samadeshak) for periods ranging upto 10 months in a year, on consolidated salary.

Since there were no recruitment rules, they were initially on temporary basis. The School Education and Sports Department took a policy decision vide the Government Resolution dated 27.05.2004, for regularization of services of 285 Taluka Commandants in the regular pay scale of Rs.3200-4900 along with traveling allowance. The said Government Resolution was made applicable w.e.f. 01.05.2004.

2. The learned Advocate for the Petitioners draws our attention to the annexure A, which is appended to the communication dated 04.08.2016 by the Education Officer (Secondary), Maharashtra Chhatrasena, Zilla Parishad, Ahmednagar, to the Deputy Director of Education, Pune Division. This chart would indicate that these Petitioners have been working since 01.05.2004 until their retirements, which occurred in between May, 2016 to June, 2021.

3. We find that the Deputy Director of Education, Pune, has initially addressed the letter dated 10.02.2022 to the Desk Officer (Administration-5), School Education and Sports Department, Mantralaya, Mumbai. Subsequently, the Deputy Director (Administration), Commissionerate of Education, Pune, has also addressed the same Desk Officer vide letter dated

04.05.2022. In both these communications, the Government is called upon to take a policy decision as regards the grants of benefits in the nature of increments, etc. to these Petitioners and similarly situated Commandants. However, no orders have been passed thereon.

4. In view of the above, **this Writ Petition is disposed off** with the direction to Respondent No.1 to consider the said two communications dated 10.02.2022 and 04.05.2022 and appropriate steps be initiated so as to take a policy decision. If the service conditions/ rules are to be framed, appropriate steps will have to be taken in order to introduce such rules/ service conditions. Let Respondent No.1 complete this entire exercise, on or before 31.07.2023. A decision arrived at, shall be announced by Respondent No.1 and the same would be communicated to these Petitioners within two weeks thereafter.

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)