

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

WRIT PETITION NO. 4156 OF 2018

Shri. Sambhaji Ananda Patil,)
Age : 40 years, Occupation : Service,)
R/o. At Post Bachani, Taluka Karvir,)
District : Kolhapur.).. Petitioner

Versus

1. The State of Maharashtra,)
Through the Secretary,)
School Education & Sports Department,)
Mantralaya, Mumbai-400 032)
2. The Commissioner of Education,)
School Education Department,)
Maharashtra State, Pune.)
3. The Directorate of Higher Education,)
Maharashtra State, Central Building,)
Pune-1 through its Director.)
4. The Regional Joint Director (Higher)
Education), Kolhapur Region, Kolhapur)
having office at Rajaram Mahavidyalaya)
Campus, Vidya Nagar, Kolhapur-416004)
5. Bhogawati Shikshan Prasarak Mandal,)
Shahu Nagar (Parite), Taluka : Karvir,)
District : Kolhapur.)
6. Bhogawati Mahavidyalay, Kurukali,)
Taluka Karvir, District : Kolhapur)
Through its Principal). Respondents

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Mr. Prashant Bhavake, for the Petitioner.

Mr. S.L. Babar, AGP for the Respondent-State.

Mr. Chetan G. Patil i/by Mr. Mandar G. Bagkar, for Respondent
nos.5 & 6.

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**CORAM : A.S. CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ**

DATE : 4th DECEMBER, 2023.

JUDGMENT : (PER : A.S. CHANDURKAR, J)

1. Rule. Rule made returnable forthwith and heard learned counsel for the parties.

2. The Petitioner is aggrieved by the communication dated 28/05/2014. By the said communication, the Regional Joint Director, Higher Education has refused to start the salary grant admissible to the Petitioner who came to be appointed on the post of Peon on 05/05/2010. In the said communication, it has been stated that there has been excess recruitment for the post of Junior Clerk, Senior Clerk and other non-teaching posts. Reference has been made to the Government Resolution dated 22/02/1980 in that regard.

3. After hearing the learned counsel for the parties and after perusing the documents on record, we find that as per the staff justification of October, 2010, 12 posts of Peons were sanctioned out of which 9 posts have been filled and 3 posts of Peons were vacant. The Petitioner contends that he has been recruited on this vacant post pursuant to the No Objection granted on

25/04/2012. Since the impugned communication dated 28/05/2014 does not refer to any excess recruitment being made on the post of Peon, we find that the matter requires re-consideration by the Regional Joint Director, (Higher Education), Kolhapur.

4. For the aforesaid reasons, the impugned communication dated 28/05/2014 is set aside. It is directed that the Respondent no.4 shall re-consider the matter with regard to inclusion of the Petitioner's name for entitlement for salary grant. All necessary record shall be taken into consideration. After granting an opportunity of hearing to the Petitioner as well as the Respondent nos.5 and 6, such decision be taken in accordance with law within a period of six weeks of receiving copy of this order. The decision taken be communicated to the parties.

5. All points raised are kept open. Rule is disposed of with aforesaid directions with no order as to costs.

[FIRDOSH P. POONIWALLA, J] [A.S. CHANDURKAR, J.]