

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11575 OF 2022

Rahul Bhausahab Aher ...Petitioner
Versus
The State of Maharashtra through the Secretary ...Respondents
School Education Department & Ors

WITH
WRIT PETITION NO. 9236 OF 2022

Mahesh Nanasaheb Jadhav ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondents

WITH
WRIT PETITION NO. 9223 OF 2022

Harshal Ashok Jadhav ...Petitioner
Versus
The State of Maharashtra through Secretary ...Respondents
School Education Department & Ors

WITH
WRIT PETITION NO. 9229 OF 2022

Rakesh Bajirao Nikam ...Petitioner
Versus
The State of Maharashtra through Secretary ...Respondents
School Education Department & Ors

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WITH
WRIT PETITION NO. 11577 OF 2022

Rajendra Sakharam Pawar Assistant Teacher ...Petitioner
Yashwantrao Chavan Vidyalaya

Versus

The State of Maharashtra through the Secretary ...Respondents
School Education Department & Ors

WITH
WRIT PETITION NO. 11580 OF 2022

Ranjana Gabaji Chaudhari ...Petitioner

Versus

The State of Maharashtra through Secretary ...Respondents
School Education Department & Ors

WITH
WRIT PETITION NO.11578 OF 2022

Yogita Dagdu Nirgude Assistant Teacher at ...Petitioner
Yashwantrao Chavan Vidyalay

Versus

The State of Maharashtra through the Secretary ...Respondents
School Education Department & Ors

Mr NV Bandiwadekar, *with Vinayak R Kumbhar, i/b Ashwini N Bandiwadekar, for the Petitioner in all Petitions.*

Mr CG Gavnekar, *with Ashutosh Gavnekar, Rohit Parab, for Respondents Nos. 5 and 6 in all Petitions.*

Mr NC Walimbe, AGP, *for the Respondent-State.*

**CORAM G.S. Patel &
 Dr Neela Gokhale, JJ.**
DATED: 1st February 2023

PC:-

1. All these Petitions can be disposed of by a common order. Mr Gavnekar who appears for Respondents Nos. 5 and 6, the institution and its school in the respective matters, states that the management has already forwarded the proposals for approval to Respondent No. 3, the Education Officer, the Zilla Parishad in regard to the Petitioners as Assistant Teachers in the appropriate pay scale upon their completion of three years as Shikshan Sevak. Mr Gavnekar tenders a compilation of the proposals that have been forwarded. This is taken on record and marked “X” for identification with today’s date.

2. Once the proposals are forwarded, and it is clear that the post itself is approved and further since the Petitioners’ appointments have also been approved as Shikshan Sevaks, the only question that remain is of release of honorarium as sought in the Petition for their period of service as Shikshan Sevak. The necessary administrative procedural steps including the Sharlatha IDs have also been issued and granted. Thus, there is no impediment to the release of the honorarium.

3. Accordingly, in all these Petitions, Respondents Nos. 3 and 4 are directed to pay to the respective Petitioners the monthly honorarium as Shikshan Sevaks in the Respondent’s schools for the three year period during which they served as such Shikshan

Sevaks. This payment has to be released no later than within a period of three weeks from today. As regards the present proposals that are in the compilation tendered by Mr Gavnekar, these are also to be processed with approval within a period of three weeks from today and the Petitioners' salaries as Assistant Teachers in the now approved post is similarly to be released to them within a period of two weeks thereafter. There is also a prayer for interest. The only comment we can make is that the interest would be payable if it is so payable under the applicable rules and policies.

4. It is clarified that the amount to be released is to include all arrears computed up to date.

5. Mr Bandiwadekar points out that there is a complaint from one Dinesh Shivaji Sonawane. Who he is no one can tell. How he is concerned, also no one can tell. We do not see how Sonawane can move any authority to the considerable prejudice of these Petitioners. It is open to Sonawane to file a Petition and come before this Court, joining all these Petitioners as Respondents and effecting proper service on them. We do not approve of this method of causing prejudice to others without notice to them. The Education Officer is not to take cognizance of these private complaints now that we have passed this order.

6. The Petitions are disposed of in these terms.

(Dr Neela Gokhale, J)

(G. S. Patel, J)