

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14416 OF 2023

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| 1. Sandhya Ankush Jankar @ | |
| Sandhya Lunesh Virkar | |
| Age : 36 years, Occ. Service, | |
| R/at Virkarwadi, Tal. Man, Dist. Satara | |
| 2. Maharani Ahilyabai Holkar Education | |
| Society, Sangli, | |
| Through its Chairman / Secretary, | |
| Having office at 1003, Near Bharat Sutgiran, | |
| Vasatnagar, Kupwad, Sangli, Tal. & Dist. Sangli. | |
| 3. New English School, Virkarwadi | |
| Through its Headmaster, | |
| At Virkarwadi, Tal. Man, Dist. Satara. | |
| 4. Dyanvardhini High School & Jr. College, Mhaswad, | |
| Through its Headmaster, | |
| At Mhaswad, Tal. Man, Dist. Satara. | .. Petitioners |

Versus

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| 1. The State of Maharashtra, | |
| Through the Secretary, | |
| School Education Department, | |
| Mantralaya, Mumbai. | |
| 2. Deputy Director of Education, | |
| Kolhapur Region, Kolhapur. | |
| 3. Education Officer (Secondary), | |
| Zilla Parishad, Satara. | .. Respondents |

Mr. Vivek V. Salunkhe for the Petitioner.

Mr. S.B. Kalel, AGP for the Respondents–State.

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

DATE : 5TH DECEMBER, 2023.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. RULE. Rule made returnable forthwith and heard learned counsel for the parties by consent. Learned AGP waives notice for the respondents–State.

2. Petitioner no.1, being duly qualified, came to be appointed on the post of Shikshan Sevak on 30th July 2017. Her services came to be duly approved by the order dated 8th June 2018 on an unaided post. These services of petitioner no.1 were thereafter transferred to another unaided post and by order dated 4th January 2020, approval was again granted to the order of transfer dated 1st July 2019. In the matter of grant of regular pay scale, the Education Officer (Secondary), by order dated 4th July 2022, has approved the same from 1st July 2022. This, according to petitioner no.1, ignores her earlier services rendered as Shikshan Sevak on an unaided post.

3. Having heard the learned counsel for the parties and having perused the documents on record, we find that the impugned order does not take into consideration the earlier services rendered by petitioner no.1 as Shikshan Sevak on an unaided post. These earlier services having been duly approved, it was necessary for the Education Officer (Secondary) to have taken into account the same while determining the appropriate pay scale of petitioner no.1. This Court in Writ Petition No.9098 of 2021 (*Yashavant Dattatray Chavan Vs. The State of*

Maharashtra and Ors.), along with connected matters, decided on 13th June 2022, has held in clear terms that service rendered on an unaided post cannot be ignored while determining seniority as well as entitlement to regular pay scale.

4. Hence, for these reasons, we deem it fit to direct the Education Officer (Secondary) to re-consider the proposal dated 1st July 2022 seeking grant of appropriate pay scale to the petitioner. For that purpose, the order dated 4th July 2022 issued by the Education Officer (Secondary), Zilla Parishad, Satara is set aside. It is directed that the Education Officer (Secondary), after taking into consideration the judgment of this Court in Writ Petition No.9098 of 2021 (*Yashavant Dattatray Chavan Vs. The State of Maharashtra & Ors.*), along with connected matters, decided on 13th June 2022, shall decide the proposal dated 1st July 2022 afresh in accordance with law. Necessary decision be taken within a period of four weeks from receiving a copy of this order. The decision taken be communicated to the petitioners. On being found entitled to grant of appropriate and regular pay scale, the consequential benefits shall be released in favour of petitioner no.1.

5. Rule is disposed of in the above terms. No costs.

[FIRDOSH P. POONTIWALLA, J.]

[A.S. CHANDURKAR, J.]