

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.5629 OF 2022

Khushal Marotrao Daburkar, Takalghat, Tal. Hingna, Dist. Nagpur
-VS-

The State of Maharashtra, Thr. Secretary, Dept. of School Education, Mantralaya,
Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri B. G. Kulkarni, Advocate for petitioner.
Shri S. M. Ghodeswar, Assistant Government Pleader for
respondent Nos.1 to 4.

**CORAM : S. V. GANGAPURWALA, ACJ AND
ANIL S. KILOR, J.**

DATE : FEBRUARY 14, 2023

P.C.

The learned counsel for the petitioner submits that the Institution has submitted a proposal to the Education Officer (Secondary) for seeking approval to the petitioner's post as Full Time Librarian with effect from 01/07/2009. It is submitted that the strength of students with the Institution has crossed above 1000. The other grievance of the petitioner is that his services rendered as Part Time Librarian from 01/09/1998 to 30/06/2009 be considered as qualifying service for the purpose of retirement benefits.

2. The learned Assistant Government Pleader appears for respondent Nos.1 to 4.

The petitioner has placed on record the communications of the Institution dated 16/12/2010

(page 43 of the petition) and 28/08/2021 (page 44 of the writ petition) addressed to the Education Officer (Secondary) to substantiate his claim that the proposal seeking approval to the petitioner's post as Full Time Librarian was made but the same has not yet been considered by the Education Officer (Secondary).

3. In the light of above, the Education Officer (Secondary) shall evaluate the factual matrix, as pleaded by the petitioner, and shall confirm for himself if the approval can be granted to the petitioner's appointment as Full Time Librarian upon the strength of the students and thereafter take a decision regarding entitlement of the petitioner as Full Time Librarian from 01/07/2009 till the date of his retirement. The Authority shall also consider the case of the petitioner put forth that he has rendered the services as Part Time Librarian for other purposes. The said decision be taken within a period of six months from receipt of this order. The decision taken be communicated to the petitioner. The petitioner may point out the judgments of this Court to the Education Officer.

With aforesaid directions, the writ petition is disposed of with no order as to costs.

(Anil S. Kilor, J.)

(Acting Chief Justice)