

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

CIVIL APPLICATION (W) NO. 172 OF 2023

IN WRIT PETITION NO. 274 OF 2023

(Anil s/o Babarao Sawarkar Vs. The State of Maharashtra & Ors.)

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

Court's or Judge's order

Ms. S.S. Dashputre, Advocate for the applicant/ petitioner.
Shri A.A. Madiwale, Assistant Government Pleader for respondent Nos. 1 and 2/
State.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : JANUARY 17, 2023

The petitioner seeks to amend the Writ Petition and claim a declaration that he be treated notionally appointed on the post of Headmaster from 29/5/2014 since the petitioner worked on the said post in officiating capacity.

The amendment is granted. The same be carried out within a period of one week from today.

The Civil Application is disposed of.

WRIT PETITION NO. 274 OF 2023

According to the learned Counsel for the petitioner, since the petitioner discharged duties on the post of Headmaster in officiating capacity from 29/5/2014, he would be entitled to claim the pay scale for the post of Headmaster. Reliance is placed on the decision in *Pundlik Mahadeorao Belsare Vs. Deputy Director of Education & Ors. [(2006) 5 Bom CR 791]* to urge that notional benefits can be granted in such circumstances.

Issue notice to the respondents, returnable in four weeks.

The learned Assistant Government Pleader waives notice for respondent Nos. 1 and 2.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

SUMIT