



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1380 OF 2022

Suryakant Sheshrao Kesale .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Ajay D. Pawar, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 to 4.
Shri Chetan T. Jadhav, Advocate for the Respondent No. 5.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 23 JULY, 2024.**

FINAL ORDER :

- . We have heard both the sides.
2. The petitioner is seeking continuity of services and the consequential benefits for the period between 20 May 2013 and 16 June 2019. He is also seeking direction to the Head Master/respondent No. 5 for forwarding the bills regarding arrears of salary. He is also claiming higher pay scale on the basis of ACPS.
3. Learned advocate for the respondent No. 5/Head Master would submit that the matter is not simple. Having been rendered surplus the petitioner was directed to be absorbed in some school. Even before that he was in jail for some time. After he was released from jail, the school to which he was transferred refused to absorb him and subsequently resumed duties in the

original school. He would therefore submit that Head Master is finding it difficult to forward the bills as desired by the petitioner.

4. Indeed, there could be several such variables, which will have to be addressed by the authorities considering the request of the petitioner for continuity of service, arrears of salary as also the benefit of ACPS. However, unless the proposal is forwarded by the respondent No. 5/Head Master, all these decisions would be in limbo. Even if the respondent No. 5 has some reservations, while forwarding the requisite proposals he can expressly indicate such impediments/reservations.

5. In that view of the matter, in our considered view, it would be appropriate that the respondent No. 5 is directed to forward all the requisite proposals/bills. He would be at liberty to mention the points which he intends to agitate in the very same proposal, which can be appropriately considered by the authorities. With this limited relief, we dispose of the petition directing the respondent No. 5 to make appropriate proposals/salary bills to the respondent No. 3/Divisional Deputy Commissioner Social Welfare Department and/or Assistant Commissioner Social Welfare Department/respondent No. 4 as expeditiously as possible and in any case within a period of four (04) weeks from today.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/July 24