



Corrected copy : Corrections have been carried out in view of the speaking to the minutes of the order dated 18.06.2024.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

944 WRIT PETITION NO. 2748 OF 2024

KUNDALIK LAXMAN CHAUDHARI

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS

...

Advocate for the Petitioner : Mr. Shelke Shivaji T.

AGP for Respondent nos. 1 to 3 : Mr. R.S. Wani

Advocate for Respondent nos. 4 & 5 : Mr. S.S. Wagh

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CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 13.06.2024

ORAL ORDER : (PER : SHAILESH P. BRAHME, J.)

Heard both the sides finally.

2. The petitioner is challenging order dated 02.02.2024 passed by respondent no. 3-Education Officer granting approval as a *Shikshan Sevak* to the petitioner from 20.11.2023. According to petitioner the approval in question is defective. The petitioner was rendering services as a peon with the respondent-management. After acquiring qualification he was appointed to the post of Assistant Teacher. An appointment order which is placed on record indicates that he was appointed as an Assistant Teacher in the pay scale. However, a mistake cropped up in the impugned order of approval.

3. The learned advocate further places reliance upon judgment rendered by the division bench of this Court in the matter of **Suhas s/o Rangraoji More Vs. State of Maharashtra and others** in Writ Petition No. 7706/2022

decided on 22.12.2023. Relevant paragraph no. 21 of the judgment reads as follows :

“21. Under the circumstances, it is held that (i) Clause 8 of G.R. dated 10.06.2005, which stipulates promotion of non teaching staff as Shikshan Sevak on payment of honorarium is arbitrary and discriminatory. (ii) The petitioner is entitled to be appointed as Assistant Teacher with the prescribed pay scale at par with pay scale of other similarly placed promotees. (iii) Respondent No.5 - Management to modify the appointment order dated 29.10.2021 to the extent of appointing/promoting the petitioner as Assistant Teacher instead of Shikshan Sevak. (iv) Respondent No.5 – Management, is directed to submit the proposal to respondent No.4 for approval of appointment/promotion of the petitioner as Assistant Teacher with pay scale of Assistant Teacher within four weeks from the date of the order. (v) Respondent No.4 to consider the same as expeditiously as possible in any event within four weeks from the date of the receipt of the proposal.”

4. In view of the law laid down by the coordinate bench, the learned advocate for the petitioner would submit that impugned order describing the petitioner as a *Shikshan Sevak* is contrary and needs to be rectified.

5. The learned A.G.P would point out affidavit in reply and specially paragraph nos. 8 and 9. So far as the legal position laid down in the judgment (supra) has not been disputed. The petitioner is entitled to the correction in his order of approval. In that view of the matter petition succeeds. We therefore pass following order.

6. The Writ Petition is partly allowed in terms of prayer clause ‘A’.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-