

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1051 OF 2020

- | | | |
|--|---|------------------------------|
| 1) Shri. Sandip Tukaram Bhujbal, |] | |
| Aged 45 Yrs, Occ. Assistant Teacher |] | |
| R/O. 'Aaryaditya', Plot No. 35, Hill Top |] | |
| Colony, Near Char Bhinti, Shahu Nagar, |] | |
| Satara. |] | <u>...Petitioner.</u> |

Versus

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|---|---|-------------------------------|
| 1) The State of Maharashtra, |] | |
| Through the Secretary, School Education |] | |
| Department, Mantralaya, Mumbai-400 |] | |
| 032. |] | |
| 2) The Director of Education State of |] | |
| Maharashtra, Pune |] | |
| 3) The Deputy Director of Education, Pune |] | |
| Region, Pune. |] | |
| 4) The Secretary/Joint Secretary Rayat |] | |
| Shikshan Sanstha Satara Karmaveer |] | |
| Samadhi Parisar, Near Powai Naka, |] | |
| Kesarkar Peth, Guruwar Peth, District |] | |
| Satara-415001. |] | <u>...Respondents.</u> |

Mr. Rahul B. Vijaymane a/w Adv. Shubham R. Vasekar i/by Mr. S. A. Rajeshirke for the Petitioner.

Ms. T. J. Kapre, AGP for the Respondent-State.

**Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.**
Date : December 18, 2025.

ORAL JUDGMENT: (PER: M. S. KARNIK, J.)

1. The Petitioner prays for following substantive relief:

"a] This Hon Court may be pleased to issue Writ of Mandamus or any other Writ, order or direction and thereby hold that while computing the qualifying service of 12 years for the purpose of considering the time bound promotion scale payable as per Government Resolution dated 28.11.2006 the period of service rendered by the Petitioner as Shikshan sevak by way half of the part time service shall not be excluded

b] This Hon Court may be pleased to issue Writ of Mandamus or any other Writ, order or direction and direct Respondent no.3 to accept the proposal of the Petitioner for a grant of time promotion scale and consider and grant the same by taking into consideration the period of service rendered by the Petitioner as Shikshan sevak by way half of the part time service

c] This Hon'ble court may be pleased to direct the Respondents to consider half of the part time service rendered by the Petitioner for granting the Pension purpose and scheme."

2. The brief facts of the case are that the State of Maharashtra, by Government Resolution (for short, "GR") dated 2nd September 1989, introduced the Senior Pay Scale and Selection Grade Pay Scale for the post of *Assistant Teacher* working in private schools in the State of Maharashtra, for the purpose of time-bound promotion. As per the said scheme, on completion of 12 years of continuous actual service, an employee became entitled to the Senior Pay Scale, and on completion of 24 years of service, to the Selection Grade Pay Scale, by way of time-bound promotion.

3. The Petitioner possesses the educational qualifications of M.A., B.Ed. and was eligible to teach Geography. After following due procedure of selection, the Petitioner was appointed to a 100% aided post of Part-Time Assistant Teacher (Geography) at Trimbakrao Kale Vidyalaya and Junior College, Khalwadi, Taluka Maan, District Satara, run by Rayat Shikshan Sanstha, Satara, vide order dated 13th August 1998, with effect from 3rd August 1998.

4. The Respondent No. 3 granted approval to the appointment of the Petitioner. The Petitioner continuously worked on the said post and received regular yearly increments in salary.

5. On 13th October 2000, Respondent No. 1 introduced the Shikshan Sevak Scheme for appointment of teaching staff in private aided schools. Thereafter, by GR dated 10th June 2005, the earlier scheme was modified. As per Clause (9) of the said GR, half of the service rendered by a part-time teacher was to be calculated for the purpose of considering the Shikshan Sevak period, and if a part-time teacher had rendered six years or more service, such employee was required to be appointed directly in the regular pay scale without undergoing the Shikshan Sevak period again. Subsequently, the GR dated 28th November 2006, primarily meant for considering non-aided service, also provided that the period of Shikshan Sevak is to be considered for granting time-bound promotion, including Senior Pay

Scale and Selection Grade Pay Scale. After rendering 10 years and 9 months of part-time service, the Petitioner was upgraded to the post of Full-Time Teacher with effect from 14th July 2009, in the regular pay scale, by considering half of six years of part-time service.

6. The Respondent No. 3, by order dated 29th April 2010, granted approval to the said appointment with effect from 14th July 2009.

7. It is the contention of learned counsel for the Petitioner that once the Petitioner's six years of part-time service is considered as Shikshan Sevak service, the Petitioner is entitled to the Senior Pay Scale with effect from 14th July 2018.

8. It is the grievance of the Petitioner that the Respondents have failed to consider the six years of part-time service, which was already counted for the purpose of Shikshan Sevak while granting direct regular pay scale, for the purpose of time-bound promotion to the Senior Pay Scale. The Respondents are computing the Petitioner's service only from 14th July 2009.

9. Learned AGP submitted that the GRs are clear and unambiguous, and that the GR dated 10th June 2005 and the GR dated 28th November 2006 contemplate grant of benefits to part-time teachers only for the purpose of appointment as Shikshan Sevak and not for granting time-bound promotion.

10. We have heard learned Counsel.

11. We find merit in the submissions of learned counsel for the Petitioner. The combined effect of Clause (9) of the GR dated 10th June 2005 and Clause (12) of the GR dated 28th November 2006 requires consideration of half of six years of part-time service even for the purpose of granting time-bound promotion after completion of twelve years for the Senior Pay Scale. Once such service is considered for upgrading the incumbent to the post of Full-Time Teacher in the regular pay scale, there is no justification for denying the same benefit for granting time-bound promotion.

12. We also find substance in the contention that such denial results in discrimination, as employees become entitled to regular pay scale after completion of the Shikshan Sevak period of three years, considering half the service of six years spent as part time teacher, whereas the same period is excluded for the purpose of time-bound promotion.

13. In such view of the matter, the present Petition deserves to be allowed and is accordingly allowed in terms of prayer clause (a).

14. The Respondents are directed to grant pay benefits by taking into consideration the part-time service rendered by the Petitioner,

within a period of twelve weeks from the date of communication of this order, and to pay the arrears, if any.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

TALLE
SHUBHAM
ASHOKRAO

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