

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7966 OF 2025

Vijay Vilas Sase.

...Petitioner.

Versus

State of Maharashtra and Others.

...Respondents.

Mr. Chetan Patil, Ms. Siddheshwari R. Chavan i/b Mr. Mandar Bagkar and Mr. Bhushan Jadhav for the Petitioner.

Mr. Prathamesh P. Magadum for the Respondent No. 4 and 5.

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

Coram : Madhav J. Jamdar &
Pravin S. Patil, JJ.

Date : March 13, 2026.

Oral Order [Per Pravin S. Patil, J.] :

1. Heard learned Counsel appearing for the Petitioner and learned AGP for the Respondent-State.
2. Petitioner, who was working in a non-teaching category, as per the policy framed by the State Government vide Government Resolution dated 10th June 2005 was promoted in a teaching category and accordingly his proposal was forwarded to the Education Officer. The Education Officer has granted approval but as a Shikshan Sevak on fixed honorarium basis.
3. Petitioner has approached before this Court with a grievance that as his initial appointment in the school was of the year 1995 and he has been given post of a teaching category on the basis of his merit and

qualification, he is entitled for regular pay-scale. In support of his submissions, Petitioner relies upon the decisions of this Court in the case ***Usha Baliram Masal v. Hind Seva Mandal*** [WP No. 3167 of 2019 (Aurangabad Bench) decided on 30th September 2019]; ***Suhas Rangraoji More v. State of Maharashtra*** [WP No. 7706 of 2022 (Nagpur Bench) decided on 21st December 2023]; ***Dilip Ramchandra Karande v. State of Maharashtra*** [WP 12827 of 2025 (Kolhapur Circuit Bench) decided on 21st January 2026]; and ***Shivaji Sukdev Lawate v. State of Maharashtra*** [WP No. 11591 of 2025 (Kolhapur Circuit Bench) decided on 11th December 2025].

4. Learned AGP has strongly opposed the petition. AGP has relied upon the recent Government Resolution dated 18th February 2026 introduced by the Government of Maharashtra wherein by clause (3) it is provided that if the period of service as a Shikshan Sevak undergone previously and that of current tenure as a Shikshan Sevak is 3 years, then in such case, services of Shikshan Sevak will come to an end from the date of passing of Government Resolution dated 18th February 2026 and the candidate will be placed in a regular pay scale from 18th February 2026 and not from the date of appointment.

5. In the light of submissions of both the parties and on perusal of the facts of present case, it is admitted position that the Petitioner was initially appointed on 1st February 1995 against the post of Peon. Then,

on 13th September 2010, he was promoted against the post of junior clerk and lastly he was promoted against the post of senior clerk on 9th October 2020. It is also not disputed that the Petitioner has improved his educational qualification by obtaining due permission of management and is presently holding the qualification of B.Com, B.Ed.

6. In academic session 2024-25, one vacancy of Assistant Teacher was created in the school. The Respondent No. 4-management in terms of Government Resolution dated 10th June 2005 resolved to promote the Petitioner from non-teaching category to teaching category. Accordingly, appointment order dated 20th December 2024 was issued to the Petitioner.

7. After appointment of Petitioner, the proposal seeking approval was forwarded to the Education Officer. It is pertinent to note that the Education Officer while granting approval only stated that Petitioner would be entitled for salary on the basis of scheme of Shikshan Sevak, i.e., honorarium. Except this, there is no other reason given in the communication of Education Officer.

8. In the light of this, the only issue which arises for consideration before this Court is whether the Petitioner, who was appointed as a Shikshan Sevak as per the scheme of State Government will be entitled for the salary as on honorarium basis or as a regular pay-scale basis.

9. It is not disputed in the present matter that this Court in the case

of ***Usha Baliram Masal v. Hind Seva Mandal*** [WP No. 3167 of 2019 decided on 30th September 2019] held that Clause (8) of the Government Resolution dated 10th June 2005 is in the nature of providing promotional avenue to an employee of non teaching staff and cannot be considered as fresh appointment rather it is to be treated as a case of promotion.

10. This Court in the case of ***Suhas Rangraoji More v. State of Maharashtra*** (supra) by accepting the view taken by this Court earlier, in paragraph 21 has observed as under :

“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 approval.”

11. The same view is followed by this Court in the case of ***Dilip Ramchandra Karande v. State of Maharashtra*** (supra) and ***Shivaji Sukdev Lawate v. State of Maharashtra*** (supra).

. As such, legal position is settled by above referred judgments and it is clear that Petitioner's case is squarely covered by the above decisions of this Court.

12. The submission which learned AGP made before this Court is on the basis of Government Resolution of the year 2026. In the present matter, admittedly the Petitioner was appointed on 20th December 2024 and Government Resolution which learned AGP is relying upon is of 18th February 2026. Hence, in our considered opinion, the said Government Resolution cannot be made applicable in the present case.

13. For the aforesaid reasons, we proceed to pass following order :

- (I) Writ Petition is allowed.
- (II) Order of approval issued by the Education Officer dated 20th January 2025 is modified to the extent that Petitioner is entitled for regular pay-scale as like Assistant Teacher which is applicable to the post of Assistant Teacher with effect from 20th December 2024 with all consequential benefits of service.
- (III) Respondent-Education Officer shall pay regular salary to the Petitioner from the date of his appointment. All the back-wages be paid within a period of four months from the date of production of copy of this order before him by Petitioner.

14. Petition is disposed of in above terms with no order as to costs.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]