

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
ORIGINAL APPLICATIONS NO.1115, 1116, 1117 & 1118 OF 2022**

ORIGINAL APPLICATION NO.1115 OF 2022

DISTRICT : SATARA

Shri Sandeep Rajaram Khade,)
Age 39 years, R/o Tisangi, Tal.Gaganbawade, Kolhapur))
Working as Cook at Govt. Public School, Pusegaon,))
Tal. Khatav, District Satara)..Applicant

Versus

1. The State of Maharashtra,)
Through Principal Secretary,)
Education Department, Mantralaya, Mumbai)
2. The Dy. Director of Education, Kolhapur Division))
Somwar Peth, Hatti Mahal, Ganji Galli,))
Kolhapur 416 002)
3. The Director of Education,))
Secondary and Higher Secondary,))
Directorate of Education, Pune -1)
4. The Commissioner for Education,))
Ani Bezant Marg, Central Building, Pune-1)
5. The Principal, Govt. Public School, Pusegaon,))
Tal. Khatav, District Satara)..Respondents

WITH**ORIGINAL APPLICATION NO.1116 OF 2022****DISTRICT : SATARA**

Smt. Mayuri Chandrakant Mhaske,)
Age 39 years, R/o Kupwad, Tal. Miraj, District Sangli)
Working as Kitchen Assistant at Govt. Public School,)
Pusegaon, Tal. Khatav, District Satara)..Applicant
Versus
The State of Maharashtra & Ors.)..Respondents

WITH**ORIGINAL APPLICATION NO.1117 OF 2022****DISTRICT : SATARA**

Smt. Ujwala Sanjay Gurav,)
Age 51 years, R/o Shivganga Appt. Near Nath Mandir,)
Vita, Tal. Khanapur, District Sangli)
Working as Kitchen Assistant at Govt. Public School,)
Pusegaon, Tal. Khatav, District Satara)..Applicant
Versus
The State of Maharashtra & Ors.)..Respondents

WITH

ORIGINAL APPLICATION NO.1118 OF 2022**DISTRICT : SATARA**

Shri Abdul Sabir Mohd. Iqbal Shaikh,)
 Age 47 years, R/o Sfurti Colony, Plot No.7,)
 Sanjay Nagar, Sangli)
 Working as Up-Cook at Govt. Public School,)
 Pusegaon, Tal. Khatav, District Satara)..Applicant
 Versus
 The State of Maharashtra & Ors.)..Respondents

Shri A.S. Patil – Advocate for the Applicants

Smt. K.S. Gaikwad – Presenting Officer for the Respondents

CORAM : Smt. Justice Mridula Bhatkar, Chairperson
 Smt. Medha Gadgil, Member (A)

DATE : 17th January, 2024

J U D G M E N T

1. Heard Shri A.S. Patil, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The applicants in all four matters challenge seniority list in the cadre of Junior Clerk published by order dated 17.10.2022 issued by respondent no.2 and seek directions against respondent no.2 to include the name of the applicants in the revised seniority list by granting proper placement to the applicants with consequential service benefits and by way of interim order the order dated 17.10.2022 be stayed.

3. Ld. Advocate for the applicant submits that applicants are working as Cook (Group-D) in Pusegaon Government Residential School since 2009 and they are entitled for promotion to the post of Junior Clerk. He relies on the meeting of DPC held on 13.9.2022. He pointed out the final select list of the candidates from Group-D to the post of Junior Clerk. The names of the applicants are shown at Sr. No.1 to 4 and they are shown as selected. Ld. Advocate pointed out that their CRs are excellent and all of them hold the certificate of MS-CIT. Ld. Advocate submits that in this list total 15 candidates were shown as selected. He submits that candidates from Sr. No.5 to 15 who were working as Peon are given promotion to the post of Junior Clerk by order dated 17.10.2022. Ld. Advocate submits that applicants are shown as senior and they are deprived of promotion only on the ground that Govt. has not given necessary orders of promotion.

4. Ld. PO relies on the affidavit in reply dated 14.12.2022 filed by Kiran V. Shirolkar, Junior Administrative Officer in the office of Dy. Director of Education, Kolhapur Region, Kolhapur. She relies on GR dated 31.10.2022. Ld. PO submits that respondent no.2 has sent a proposal to govt. for guidance.

5. Shri Karpate, Joint Secretary, School Education Department, Mantraya, Mumbai is present

6. We have considered the facts and submissions made before us in these matters and also considered the minutes of the meeting of DPC and we are of the opinion that there is no hurdle for the Government to promote these applicants except filling up the post of Cooks in place of the applicants. This hurdle has remained as it is from the date of the DPC i.e. 13.9.2022. Hence, it is necessary for the Tribunal to give specific time to the Government to take steps. It is to be noted that the applicants were

considered in the meeting of the DPC and their names were shown in the select list. They have rightful claim and legitimate expectation to get promotion as they are considered and when the posts are vacant they have fundamental right to get the order of promotion and which is to be respected by the State.

7. It is also pointed out that 18 posts of Peon are vacant in the office of respondent no.2 and it is up to the State to fill up these posts.

8. Shri Karpate, Joint Secretary informs that Government will initiate process of filling up the posts of Cook in place of the applicants. What we understand from these submissions is the respondent no.1 needs to communicate to the respondent no.2 that they can proceed with the process of recruitment process for the Cooks in the Government Public School. The Government has to take into account that this is an issue of food given to small children (from 6th standard to 10th standard). So also it is not the case that in Maharashtra Cooks are not available. The advertisement is to be given immediately for filling up the posts.

9. The Original Applications are allowed with the following directions.

(1) The respondent no.1 to communicate its decision regarding recruitment of the Cooks in place of these applicants in the Government Public School to respondent no.2 and it is to be communicated within three days i.e. by 23.1.2024. Thereafter the respondent no.2 shall initiate the process of recruitment of the Cook immediately and the process should be completed thereafter within four weeks. Thus, the entire process of recruitment of Cooks in place of the applicants is to be completed within six weeks from 23.1.2024.

- (2) The order of promotion of the applicants shall be issued on or before 10.2.2024.
- (3) Ld. Advocate for the applicants submits that the applicants will work as Cook for two and half months i.e. till 6.4.2024 and the entire process shall be completed by 6.4.2024.
- (4) The seniority of the applicants shall be determined from the date when their junior at Sr. No.5 in the select list was promoted i.e. 17.10.2022.
- (5) No order as to costs.

Sd/-

(Medha Gadgil)
Member (A)
17.1.2024

Sd/-

(Mridula Bhatkar, J.)
Chairperson
17.1.2024

Dictation taken by: S.G. Jawalkar.