

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 1076 OF 2014

BAPURAO SANGRAM HAKKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
 Advocate for Petitioner : Mr. Shinde Bhagwat A.
 AGP for Respondents- State: Mr. K. M. Suryawanshi
 Advocate for Respondent No.2 : Mr. Mahesh V. Ghatge

...
CORAM : S. V. GANGAPURWALA &
V. K. JADHAV, JJ.

DATE : 17th June, 2015

PER COURT :

1. Mr. Shinde, learned counsel for the petitioner submits that vide letter of approval dated 19.03.2010, services of the petitioner were approved showing first date of appointment of the petitioner as 01.12.2009. According to the learned counsel for the petitioner, the petitioner was appointed in the year 1994. Subsequently petitioner was terminated. The said termination was set aside by the school tribunal and even today, the petitioner is working with respondent No.3. According to learned counsel, there is finding given by the learned school tribunal that the petitioner is appointed in the year 1994 and working since then.
2. Learned APP submits that the petitioner had become surplus and the same was considered and thereafter was appointed as surplus teacher. Date of appointment is correctly mentioned in the order.
3. We have considered the submissions canvassed by the learned counsel for the respective parties.
4. Initially the petitioner was appointed in the year 1994. The order of school tribunal states that initial date of appointment of the petitioner is 11.06.1994. Judgment delivered by the school tribunal in an appeal filed

by the present petitioner against the termination is placed on record, wherein the school tribunal has specifically come to the conclusion that the petitioner is appointed vide order dated 01.06.1994 with effect from 11.06.1994. It is not disputed that the said order of the school tribunal has become final. The same tantamount to judicial finding. As such, initial date of appointment of the petitioner will have to be considered as 11.06.1994.

5. In the light of above, we pass following order:

- i. The impugned order, to the extent of showing initial date of appointment as 1.12.2009 is set aside. The respondent authority shall issue fresh order of approval showing date of initial appointment of the petitioner as 11.06.1994.
- ii. Writ petition is accordingly disposed of in the above terms. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

JPC