

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1051 OF 2003

MOHAN GANPATRAO MUNGDE
VERSUS
STATE OF MAHA & ORS

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Advocate for Petitioner : Mrs. R. D. Reddy
AGP for Respondents 1 to 3: Mr. K.J. Ghute Patil
Advocate for Respondents 4 and 4-A : Mr. V.G. Kodale h/f Mr. V.D. Gunale
Advocate for respondent No.5: Mr. P.A. Pisal h/f Mr. P.R. Patil

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**CORAM : A. V. NIRGUDE AND
V. K. JADHAV, JJ.**

DATED : 10th FEBRUARY, 2015

P.C. :-

1. This petition seeks approval to appointment of petitioner as an Assistant Teacher w.e.f. 1.7.1996. The petitioner possessed qualification as B.A. (English) B. P. Ed. In the year 1996, he was appointed as an Assistant Teacher on temporary basis. At that time, the school in which the petitioner was appointed was not receiving the grants. In the year 2000 or so, the school started to receive grants in aid. The school thereafter, sought approval to the appointment of the petitioner but the same was not given. The appointment of the petitioner did not approve by the authorities mainly because the school made representation to the authorities that they have another teacher, who possessed requisite qualification for physical Instructor.

2. In the facts and circumstances of the case, at the relevant time, there was possibility of approving second Physical Instructor for the school. The petitioner all along stated that he was appointed as teacher in English and not physical Instructor. But the school does not accept this contention. They have good reason for doing so. The petitioner has qualification of physical education. Besides, there is no document to show that the petitioner was appointed as Teacher in English.

3. In view of this, there is no error on the part of the authorities in not granting approval to the petitioner's appointment. The petition should fail and it is accordingly dismissed. Rule discharged.

4. The respondent management has admitted that the petitioner worked with them till 17.3.2003 but they further stated that the petitioner was paid monthly salary till March, 2000. In view of this, it is clear that the petitioner was not paid salary from March, 2000 to 17.3.2003. It appears that the petitioner has valid claim in respect of salary for the period between March, 2000 to 17.3.2003 against the management. The petitioner can demand this amount and take necessary steps in this regard.

(V. K. JADHAV, J.)

(A. V. NIRGUDE, J.)