

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.5714 OF 2004
WITH
WRIT PETITION NO.5727 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.V.D.Salunke, advocate for the Petitioner.
Mrs.M.S.Patni, Mr.S.G.Sangle, Asstt.Govt. Pleaders
for the State.

**CORAM : S.V.GANGAPURWALA &
A.I.S.CHEEMA, JJ.**

Date : 18.04.2015.

PER COURT :

1. Heard.
2. Mr.Salunke, learned counsel for the petitioner submits that the refusal on the part of Respondents to grant approval to the petitioner is subject matter of the present Writ Petitions. The petitioner runs residential handicap School. It has been given 100% grant-in-aid. The Respondent No.2 directed the petitioners to appoint two special teachers and to submit report to its office. Pursuant thereto, the petitioner appointed two special teachers from OBC category. The proposal was submitted for approval. However, the same is not granted. According to the learned counsel, by way of interim order dated 2.12.2004, this Court directed the Respondents to grant provisional approval. It is only

under the dictate of the Respondent No.2, the appointments were made. The same are on sanctioned post. The posts are admissible even as per the order of the Respondent No.2, the petitioner is required to appoint the teachers in the ratio of one lecturer for eight students.

3. The learned Asstt. Govt. Pleader submits that as the posts are not sanctioned, the approval could not be granted.

4. This Court on 2.12.2004, had passed a speaking order by virtue of which the Respondent No.3 granted provisional approval. The appointments were made pursuant to the directions of Respondent No.2 only. It was not the fault of the petitioner and as per the number of students, the petitioner was required to appoint the said teachers.

5. Considering the above, the Writ Petitions are disposed of in terms of the interim orders. The impugned order is quashed and set aside. Rule is made absolute in terms of the interim orders. The provisional approval directed to be granted shall be in the nature of permanent approval.

(A . I . S . CHEEMA , J .)

(S . V . GANGAPURWALA , J .)

Dt..18.04.2015.
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