

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 424 OF 2004

1. Sakharam S/o. Ambadas Muley, .. Petitioners
Age-34 years, Occu-Service,
R/o. Balapur, Tq. Shrirampur,
Dist. Ahmednagar.
2. Hind Seva Mandal
Near Sarada College
Ahmednagar, Through
Its Secretary
3. The Head Master
K.J.Somayya High School
Shrirampur, Tq. Shrirampur
Dist. Ahmednagar.

(Respondent Nos.4 and 4 are transposed
as petitioner Nos.2 & 3, as per leave
granted by this Hon'ble Court on
10.08.2004 in C.A. No.7297 of 2004)

Versus

1. The State of Maharashtra .. Respondents
Through Deputy Director of
Education Pune Region, Pune
2. The Education Officer (Secondary)
Zilla Parishad, Ahmednagar

Mr. A.Y.Pandule, Advocate for the petitioner
Mr.D.B.Bhange, AGP for the respondent/State.

**CORAM : A.V. NIRGUDE &
V.K. JADHAV, JJ.
DATED : 01.09.2015**

ORAL JUDGMENT [PER : A.V. NIRGUDE,J.] :-

1. Heard. Perused the record as well as interim order passed by this Court on 21.12.2004. Said order directed respondent No.2 Education Officer to accord provisional approval to the appointment of petitioner No.1 as a Trained Graduate Teacher. This Court noted the circumstances in which the petitioner No.1 was appointed as a Trained Graduate Teacher in 'Sanskrit' subject and was convinced that the objections which were raised for not giving approval were meted out in the meantime. First ground was that at the time of issuing advertisement no post for open category candidate was available. There was backlog and this post ought to have been filled up by recruiting reserved category candidate. The Court observed that in the meantime the management removed backlog by appointing adequate number of candidates from reserved category. This Court also observed that prima facie the petitioner No.1 who worked for more than four years should not be discontinued, merely on the ground that there was defect in the advertisement. The Court further observed that other teachers who were appointed

pursuant to the same advertisement were given approval except to petitioner No.1. This interim order was passed in 2004 and the petitioner No.1 secured approval and has been getting salary since then. The petitioner No.1 thus has worked since 2000 till date, in the said school.

2. We are not inclined to disturb the petitioner No.1 at such belated stage, mainly because he would not be able to secure similar employment at his advanced age. The petition should, therefor, be allowed in terms of the interim order passed on 21st December, 2004.

3. The writ petition is allowed in above terms. Rule made absolute accordingly.

[V.K. JADHAV, J.]

[A.V. NIRGUDE, J.]