

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

WRIT PETITION NO. 8363 OF 2009

Amar Ashok Kadtane .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri Sachin J. Salgare, Advocate for the Petitioner

Shri S. A. Ambade, A. G. P. for the Respondent No. 1

Shri V. D. Hon, Senior Counsel for the Respondent No. 2

Shri L. C. Patil and Shri Amit T. Mukhedkar, Advocate for the
Respondent Nos. 3 and 4

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

DATE : 13TH APRIL, 2015.

PER COURT :

1) Mr. Salgare the learned counsel for the petitioner submits that, the petitioner possesses the qualification of Bachelor of Physical Education. The petitioner was appointed in leave vacancy on 11.06.1997 for the academic year, 1997 – 1998. The appointment of petitioner was continued. Subsequently petitioner is confirmed in service. The respondent did not grant approval to the petitioner as a Trained Graduate Teacher. The petitioner is entitled for the benefits of a Trained Graduate Teacher from June

2002 and the petitioner will be deemed to be approved as Assistant Teacher from 2002. According to the learned counsel, the petitioner would come within the meaning of 25% as stipulated by Government Resolution dated 17.01.2001. The order dated 30th May, 2009, passed by the Education Officer is per-se and ex-facie illegal.

2) Mr. Mukhedkar the learned counsel for the Management submits that, since 2006 – 2007 petitioner is not in service and petitioner is a Secretary of another institution is a Principal of the school run by another institution.

3) The Aversions made in the affidavit-in-reply do not seem to have been controverted. The averments in the affidavit show that the petitioner is not serving in the respondent / school after 2006 – 2007 and is a Principal of another school run by another institution of which he is a Secretary.

4) In light of the above, we do not see any error committed by the authority while passing the impugned order. The Writ Petition as such is dismissed. No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]