

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

WRIT PETITION NO. 7180 OF 2014

Shaikh Tayyab Maheebub

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri R. R. Suryawanshi, Advocate for the Petitioner.

Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Shri R. K. Jadhavar, Advocate for Respondent Nos. 4 and 5.

**CORAM : S. V. GANGAPURWALA AND
V. L ACHLIYA, JJ.**

DATE : 16TH FEBRUARY, 2015.

PER COURT :

. Mr. Suryawanshi, the learned counsel for the petitioner submits that, the ground on which the approval to the appointment of the petitioner as Lab Attendant is rejected, is erroneous. According to the learned counsel, as per the provisions of the Secondary School Code the post of Lab Attendant is admissible. The petitioner has been appointed on the said post after following due procedure.

2. Mr. Jadhavar, the learned counsel for the respondent/management does not dispute that the petitioner is appointed as Lab Attendant and the management has forwarded

the proposal for the approval to the appointment of the petitioner as Lab Attendant.

3. Mr. Patil, the learned Additional Government Pleader submits that, in view of the Government Resolution dated 25.11.2005, the post of Lab Attendant was not admissible and the petitioner was not appointed by following due procedure.

4. We have considered the submissions canvassed by learned counsel for respective parties.

5. The proposal for approval to the appointment of the petitioner as Lab Attendant is rejected only on the ground that, post of Lab Attendant is not admissible as per Government Resolution dated 25.11.2005.

6. It is not a matter of dispute that, Government Resolution dated 25.11.2005 with regard to staffing pattern was not implemented at any point of time. The other ground agitated in the affidavit in reply that, the petitioner was not properly appointed is not a ground on which the approval has been rejected.

7. In the light of the above, the impugned order is quashed and set aside. The Education Officer (Secondary) shall consider

the proposal forwarded by the Head Master seeking approval to the appointment of the petitioner as Lab Attendant considering recent policy and as per provisions of the Secondary School Code. The petitioner and the management shall represent themselves before the Education Officer. The Education Officer shall decide the said proposal afresh expeditiously and preferably within a period of four (4) months from today. The writ petition accordingly is disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Feb. 15