

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.9292 OF 2014

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.Sagar Killarikar B.L., advocate for the Petitioner.
Mr.K.G.Patil, Addl. Govt. Pleader for the State.
Mr.Wakade, advocate for Respondent Nos.4 and 5.

**CORAM : S.V.GANGAPURWALA &
V.K.JADHAV, JJ.**
Date : 11.06.2015.

PER COURT :

1. Heard.
2. Mr.Killarikar, learned counsel for the petitioner submits that the proposal is submitted by the Management seeking approval to the appointment of the petitioner. No decision has been taken as yet on the said proposal by the Assistant Commissioner. According to the learned counsel, earlier appointment of the petitioner is approved for one year. Only reason given is that the roster is not verified i.e. the verified roster has not been submitted by the Management. However, the Assistant Commissioner has passed order dated 20.5.2015, approving the services of another teacher in the same Ashram School, after satisfying himself about the roster.

According to the learned counsel, now the roster is submitted, there is no impediment for the authority to take decision on the same.

3. Mr.Wakade, learned counsel for the Management accepts that the roster has been verified by the concerned authority and is submitted. The learned Assistant Govt. Pleader submits that there are six posts available and six teachers senior to the petitioner are already working.

4. The petitioner relies on the Government Resolution dated 29.11.2013 with regard to the staffing pattern, so also submits that for every 30 students, one teacher in the Primary Section is permissible. The learned counsel relies on the communication dated 18.1.2015, issued by the Social Justice Department to its subordinate.

5. Affidavit-in-reply is filed by the Assistant Commissioner, however, it does not appear that all these aspects put forth by the petitioner and the Management have been considered by the Assistant Commissioner. Certainly, no proper orders are passed on the proposal submitted by the Management seeking approval to the appointment of the petitioners. In light of the fact that the said proposal is pending, we pass the following order :

a) The Assistant Commissioner, Social Welfare Department, Aurangabad, shall decide the proposal seeking approval to the appointment of the petitioner on its own merits in accordance with

law after hearing the petitioner and the Management. The petitioner and the Management are at liberty to put forth relevant Government Resolutions/communications before the Assistant Commissioner, which shall be considered by the Assistant Commissioner, while passing the orders on the approval. The petitioner and the Management shall appear before the Assistant Commissioner, Social Welfare Department, Aurangabad on 29.6.2015. The Assistant Commissioner shall take decision thereafter expeditiously, preferably within three (3) months from the date of appearance.

b) We have not considered the other prayers made in the present Writ Petition. The petitioner is at liberty to press the same in appropriate proceedings, if so advised.

c) The Writ Petition is disposed of. No costs.

(V . K . JADHAV , J .)

(S . V . GANGAPURWALA , J .)

Dt.11.06.2015.
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