

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 8576 OF 2011

MOTIRAM DEVLPA PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Godbole R.J

AGP for Respondents: Mr.D.B.Bhange.

Advocate for Respondent Nos.3 and 4 : Mr. Deshpande Ram B

Advocate for Respondent No.5 : Mr. Patil Laxmikant C.

Advocate for Respondent No.6 : Mr. Rathi Swapnil S.

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

DATE : 10th February, 2015.

P.C.:

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

2 We are not entering into the merits of the arguments about the initial appointment made on the sanctioned post or not, also the stand of the Respondents – Management that the Petitioner was appointed in the year 2000 then again terminated and again reappointed and so on.

3 In similar set of facts, we had disposed of Writ Petition No. 8485 of 2011, in respect of similarly situated employees and the same Management.

4 Considering the aforesaid aspect of the matter, we pass the following order:

- I. The Petitioner shall make a representation with the Education Officer seeking grant of approval from his initial date of appointment i.e. w.e.f. 22nd June, 2000, as the Petitioner's appointment since 15th June, 2007 is approved. The Education Officer shall hear the Management and the Petitioner and consider whether the appointment of the Petitioner since 22nd June, 2000 was on the sanctioned post or not. In case the Education Officer comes to the conclusion that, the appointment of the Petitioner from 22nd June, 2000 was on sanctioned post, then the Education Officer may grant approval to the appointment of the Petitioner since 01.01.2005. However, it is made clear that, the Petitioner would not be entitled for the salary from 22nd June, 2000 to 15th June, 2007.
- II. The Education Officer shall consider the said representation, expeditiously, and all the claims made by the Petitioner in the said representation, on its merits, preferably within six months from the date of receipt of the said representation.
- III. Accordingly, the writ petition is disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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