

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

WRIT PETITION NO. 9803 OF 2013

MALLINATH MAHADAPPA MULE

age 30 years, Occ. Service as
Lab Attendant, R/o Borgaon,
Tq. Tuljapur, Dist. Osmanabad.

..Petitioner.

VERSUS

1. Ashta Shikshan Sanstha, Ashta (Kasar),
Tq. Lohara, Dist. Osmanabad.
Through Its Secretary,
Shri Subhash S/o Karsabappa Tadkale,
age 54 yrs, occ.Agri,
R/o Ashta (Kasar), Tq. Lohara,
Dist. Osmanabad.

2. Ashta Secondary and Higher Secondary
School, Ashta (Kasar), Through its
Head Master Shri Govindrao Shriram Kajale,
R/o Ashta (Kasar), Tq. Lohara,
Dist. Osmanabad.

3.The Education Officer (Secondary),
Zilla Parishad, Osmanabad.

..Respondents.

...

Advocate for Petitioner : Mr. V D Gunale

AGP for Respondents: Mr. K G Patil

Advocate for Respondents 1,2 : Mr. S.S. Chillarge

...

CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.

Dated: June 18, 2015

...

ORAL JUDGMENT :- (Per S.V. Gangapurwala, J.)

1. Rule. Rule made returnable forthwith. With the
consent of the parties, taken up for final hearing.

2. Petition is filed against the order dated 30.8.2013 refusing approval to the appointment of the petitioner as Lab Attendant/Peon. This Court vide order dated 25.3.2015 had directed the Education Officer to grant approval to the services of the petitioner subject to the outcome of this writ petition and to forthwith disburse the amount of salary to the petitioner for the period for which he was worked.

3. The roster duly verified by the B.C.Cell has been placed on record. According to the same, out of total four posts, two posts are admissible for open and two posts are reserved i.e. one post is reserved for SC and one is for ST category. Petitioner is from open category. As per roster, post is available for the petitioner from open category.

4. In view of the above, as post is available from the open category, the interim order passed earlier needs to be confirmed.

5. Approval is granted as per interim order. In light of that, rule is made absolute in terms of interim orders by setting aside the impugned order. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

...

aaa/-