

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

WRIT PETITION NO. 11005 OF 2014

DHARAJI GANGADHAR KOSKEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Vibhute Sunil M.
AGP for Respondents: Mr.K.S.Patil.
Advocate for Respondent Nos.5 and 6 : Mr. G.B.Patunkar
Advocate for Respondent No.7 : Mr. Bade Patil K.D.

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

DATE : 22nd January, 2015.

P.C.:

1. Mr.Vibhute, learned counsel submits that the Petitioner was appointed as a Shikshan Sevak has completed three years as a Shikshan Sevak and he is now deemed Assistant Teacher. The learned counsel submits that the proposal seeking approval to the appointment of the Petitioner as an Assistant Teacher is not considered by the Headmaster for forwarding it to the Education Officer only on the ground that the validity certificate is not yet submitted. The Education Officer has also stayed the approval granted to the Petitioner as a Shikshan Sevak.

2. According to the learned counsel, the validation proceedings are pending consideration with the Committee. It is for the Committee to decide the same.

3. We have heard the learned AGP for the Education Officer and the learned counsel for the Respondent – Institution.

4 Mr.Bade Patil, learned counsel states that it would taken some time to decide the said proceedings.

5 On completion of three years as a Shikshan Sevak, the employee is a deemed Assistant Teacher and on completion of three years, the employee would be entitled for the pay scale of an Assistant Teacher if otherwise there is no other legal impediment. Only on the ground that the validation proceedings are pending, the said benefit is not accorded to the Petitioner.

6 There is no impediment for the Authority to grant provisional approval subject to the decision of the Committee in the validation proceedings.

7 In light of the above, we pass the following order:

- I. The Management / Institution, if satisfied that the Petitioner has successfully completed three years as a Shikshan Sevak, shall send a proposal of the Petitioner as an Assistant Teacher to the Education Officer.
- II. The Education Officer shall process the said proposal on its own merits by considering all the relevant aspects of the matter and shall not refuse to entertain it only on the ground that the validation proceedings are pending.
- III. In case, the Education Officer is satisfied with all other legal requirements, the Education Officer shall approve the said proposal of the Petitioner as an Assistant Teacher provisionally subject to the decision of the Committee in the validation

proceedings and in that case, the Petitioner would be entitled for the salary as an Assistant Teacher.

- IV. In light of the aforesaid directions, the order impugned staying the grant of approval does not survive. The Committee shall decide the validation proceedings, expeditiously, preferably within one year.
- V. The Petitioner shall co-operate in expeditious disposal of the said proceedings.
- VI. The writ petition stands disposed of. No costs.

[V.L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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