

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3596 OF 2014

Shri Prashant Govind Velapurkar ... Petitioner

Vs.

The State of Maharashtra & Ors. ... Respondents

Mr.Sandeep Salunkhe for the Petitioner

Mr.Vikas Mali, Assistant Government Pleader, for Respondent Nos.2 & 4

**CORAM: SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG, JJ.**

DATE: 27th JANUARY, 2015

P.C.:

By this petition,the petitioner impugns the order of the Education Officer (Secondary), Zilla Parishad, Solapur dated 27.5.2013 staying the approval to the appointment of the petitioner on the post of Assistant Teacher.

It is submitted on behalf of the petitioner that the Education Officer did not have the jurisdiction to stay the approval to the appointment of the petitioner as an Assistant Teacher. It is stated that after verifying the necessary documents, the approval was granted to the appointment of the

petitioner as a Shikshan Sevak on 4.6.2012. It is stated that the approval could not have been stayed by the Education Officer, specially when the Education Officer had observed in the order dated 18.12.2012 that he did not have the jurisdiction to cancel the appointment of the petitioner.

On hearing the learned Counsel for the parties, it appears that the Education Officer was not justified in staying the approval to the appointment of the petitioner as an Assistant Teacher. The Education Officer was free to consider the cancellation of the approval granted to the petitioner after hearing the petitioner and the persons concerned, if the Education Officer was of the view that the appointment of the petitioner was not made in accordance with law. However, during the pendency of the said enquiry, the Education Officer was not justified in staying the approval order, *moreso*, by an order that is *sans* reasons. It appears from the impugned order that no reasons whatsoever are recorded by the Education Officer while staying the order of approval.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The impugned order is quashed and set aside. The Education Officer is, however, free to take appropriate action for cancellation of the approval in accordance with law. It is needless to mention that the petitioner should

be paid the arrears of salary and also the regular salary till the issue in regard to the cancellation of the approval is decided.

Order accordingly. No costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)