

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6815 OF 2014

Shri Shivanand Satyanarayan Sherkhane)... Petitioner
V/s.
State of Maharashtra & Ors.)... Respondents

Mr.Ajay Patil i/by J.G.Reddy (Aradwad) for petitioner.

Mr.V.N.Sagare AGP for respondent/State.

**CORAM: ANOOP V.MOHTA &
K.R.SHRIRAM, JJ.**

DATED : 27th April, 2015.

P.C. :

1 Rule made returnable forthwith. Heard finally by consent of parties.

2 The petitioner was appointed as Shikshan Sevak in the year 2009. In 2011 petitioner was appointed as Assistant Teacher approved by Education officer, Zilla Parishad, Solapur w.e.f. 25.6.2009. Petitioner worked accordingly in a non aided school. Respondent-trust transferred the petitioner to respondent no.4 as Assistant Teacher. Petitioner joined service with respondent no.4 on 1.7.2013. Respondent no.4 thereafter requested Education Officer, Zilla Parishad, Solapur to grant approval to the appointment of the petitioner for the post of Assistant Teacher by application dated

5.7.2013. The Education Officer accordingly granted approval to the said post on 9.2.2013. By impugned communication dated 28.12.2013 the Education Officer approved the appointment of the petitioner as Shikshan Sevak instead of Assistant Teacher. This court in Writ Petition No.5258 of 2012 (Ms.Sandhya Laxman Ghosalkar Vs. State of Maharashtra & Ors.) in similarly situated matters in Writ Petition No.3979 of 2015 (Mrs.Rajabai Baba Shinde Vs. The State of Maharashtra & Ors.) with Writ Petition (St) No.11126 of 2015 (Mrs.Vaishali Amolik Mangle & Anr. Vs. The State of Maharashtra & Ors.) by reasoned order directed to consider such case as Assistant Teacher and further ordered to pass consequential order.

3 Learned AGP conceded to the position of law in view of the judgment and the other orders passed by this court from time to time. We have also recently considered such situation.

4 Writ petition is allowed in terms of prayer clauses-(b) and (c). However, the approval should be from 1.7.2013 and grant all other benefits as early as possible within 4 weeks thereafter. Rule made absolute accordingly. No costs.

5 Parties to act on authenticated copy based upon this order.

(K.R.SHRIRAM, J.)

(ANOOP V.MOHTA,J)