

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5406 OF 2014

Ms.Dhanashri Sudhakar Gujare & Anr.)... Petitioners

V/s.

The State of Maharashtra & Anr.)... Respondents

WITH

WRIT PETITION NO.5428 OF 2014

WRIT PETITION NO.5772 OF 2014

WRIT PETITION NO.5405 OF 2014

WRIT PETITION NO.5394 OF 2014

WRIT PETITION NO.5395 OF 2014

Mr.N.V.Bandiwadekar a/w Sourabh Kurade for petitioners.

Ms.S.S.Bhende AGP for respondent nos.1 & 2.

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

DATED : 20th April, 2015.

P.C. :

1 3 Writ petitions i.e., WP No.5405/2014, 5394/2014 &
5395/2014 are not on board. In view of urgency, taken on board.

2 Rule returnable forthwith. Heard finally by consent of
parties.

3 As common issues are involved and so also the common
respondents, we are inclined to dispose of the present writ petitions
by this common order.

4 Respondent no.2-Education officer (Secondary), Zilla Parishad, Solapur, by order dated 6.4.2013 returned the proposal for approval to the duly made appointment of petitioner no.1 in all the matters. The proposal has been returned back mainly on the ground that a direction to appoint one Mr.Dinesh on compassionate ground as Shikshan Sevak as stated, is not complied with till this date.

5 The petitioner no.2-management specifically averred in para-14 as under :-

“The petitioners state that the Respondent No.2, even otherwise, failed to appreciate that already the petitioner no.2 has appointed 3 candidates on compassionate basis in the said school. The Respondent no.2 has granted approval to 2 candidates and the approval to Smt.S.S.Deshpande (widow of the deceased employee) is pending with the Respondent No.2. In addition, the petitioner no.2 has absorbed 4 candidates in the said School on compassionate basis as recommended by the respondent no.2, who are also granted approval by the Respondent no.2. It is further necessary to consider that presently 2 candidates are on the waiting list for appointment on compassionate basis, so far as the petitioner no.2 and its school is concerned. The petitioners state that, therefore, the respondent no.2 cannot again insist upon the petitioner no.2 to appoint Dinesh Bansode on compassionate basis, due to which the candidates who are already on the waiting list prior to him, will be inflicted injustice. Although, all the aforesaid facts are specifically pointed out to the Respondent no.2, he has turned a blind eye towards the same and has refused to approve appointment of the petitioner no.1 and other Shikshan Sevaks, which is totally illegal. Hence, it is necessary to direct the Respondent No.2 to grant the said approval.”

6 The statement is also made that there are two other candidates who are in waiting list, who are senior to Mr.Dinesh. Therefore, the insistence and the reasons for return of approval, in our view, is incorrect and not based on any provisions of law. In the background so referred above, we are inclined to observe that the management as well as the teachers should not be made to suffer because of non-approval of their post. The submission is also made that even the Principal's salary is withheld from last 2 years on this ground. Petitioners are also not getting due salary in spite of the fact that they are working on the respective posts since 2012 as on sanctioned and aided posts. We are inclined to accept this submission and for the reasons so recorded above, the impugned order dated 6.4.2013 is quashed and set aside. The petitioners are permitted to file fresh applications within 2 weeks. The respondents to consider the same as early as possible preferably within 8 weeks.

7 Writ petitions are accordingly disposed of. No costs.

Parties to act on the basis of authenticated copy of this order.

(K.R.SHRIRAM, J.)

(ANOOP V.MOHTA,J)