

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 11874 OF 2013**

Smt. Reena Baburao Borse

....Petitioner.

Vs.

The State of Maharashtra & Ors.

....Respondents.

Ms. Pranita P. Hingmire for the Petitioner.

Ms. Sushama S. Bhende, AGP for Respondent Nos. 1 and 2.

CORAM : ANOOP V. MOHTA AND**K.R. SHRIRAM, JJ.****DATE : 31 MARCH 2015.****P.C.:-**

Rule, returnable forthwith.

Heard finally, by consent of the parties.

2 Both the learned counsel appearing for the parties make statement that the Petitioner's case is covered by the orders passed by this Court in Ms. Sandhya Laxman Ghosalkar Vs. The State of Maharashtra (Writ Petition No. 5258 of 2012 and Others) dated 12 September 2012 and Ms. Rupali Maruti Shingte & Anr. Vs. The State of

Maharashtra (Writ Petition No. 9173 of 2013 and others) dated 18 February 2014, therefore, we are inclined to dispose of the present Writ Petition on the same line and for the same reasons, as the Petitioner was appointed as full time Assistant Teacher in unaided school on 23 March 2009. On 28 May 2010, the Education Officer granted approval to the above appointment in the prescribed pay-scale. The Petitioner's name is appeared in the Management's seniority list, accordingly.

3 The Petitioner was transferred from unaided division to the aided division of the same school. There is no break in service. Respondent No.2-the Education Officer, however, not granted approval to the appointment of Petitioner as “*full time Assistant Teacher*” in the prescribed pay-scale.

4 Therefore, as the Petitioner has been working as “*Assistant Teacher*” since 2009, she is entitled for the pay-scale in accordance with law, including the requisite salary and all benefits as “*Full Time Assistant Teacher*”.

5 Therefore, in view of above, Writ Petition is allowed in
terms of prayer clauses (b) and (c).

6 There shall be no order as to costs.

7 The parties to act on an authenticated copy of this order.

(K.R. SHRIRAM, J.)

(ANOOP V. MOHTA, J.)