

However, the respondent/authority declined to grant approval to the appointment of the petitioner. In view of the refusal on the part of the respondent/authority to grant approval to the appointment, the petitioner has approached this Court with the aforesaid prayers.

It is submitted on behalf of the petitioner that in view of the clarificatory circular of the State Government dated 30th November, 2010, the respondents/authorities were duty bound to grant approval to the appointment of the petitioner. It is stated that the approval was wrongly refused and the petitioner left the service in the month of April, 2012, as he was not paid the salary for the period of almost two years. It is stated that a direction be issued to the respondents to grant approval to the appointment of the petitioner for the period during which the petitioner has worked as a part-time librarian and also for the subsequent period, as the petitioner had to leave the job for no fault of the petitioner. It is stated that a direction be issued to the State Government to pay the arrears of salary for the period from 29th April, 2010 till April, 2012.

Ms. Calcuttawala, the learned Assistant Government Pleader appearing on behalf of the respondent/authority submitted that in view of the circular dated 10th June, 2010 there was a ban on recruitment and hence the respondent/authority refused to grant approval to the

appointment of the petitioner. It is, however, not disputed by the learned Assistant Government Pleader that the respondent/management runs the school which receives the grant-in-aid and if the petitioner is entitled to approval for the period from April, 2010 to April, 2012, the State Government would be liable to pay the salary.

On hearing the learned counsel for the parties, it appears that the respondent/authority was not justified in refusing to grant approval to the appointment of the petitioner. The appointment of the petitioner was admittedly made by the order dated 27th April, 2010 and the petitioner joined his duties on 29th April, 2010. The management had sent the proposal of the petitioner to the respondent/authority in May, 2010, i.e., before the ban on recruitment was imposed by the State Government by the circular dated 10th June, 2010. The clarificatory circular dated 30th November, 2010 clearly applied to the case of the petitioner and it was necessary for the respondent/authority to grant approval to the appointment of the petitioner, as the ban was imposed after his appointment. However, unfortunately, the petitioner left the job on April, 2012 and hence, the petitioner would not be entitled to approval beyond the said period. The petitioner would, however, be entitled for the approval for a period of two years, i.e. from 29th April, 2010 till 30th April, 2012 and also the arrears of salary for the said period.

Hence, for the reasons aforesaid, the Writ Petition is partly allowed. The respondents are directed to grant approval to the appointment of the petitioner as a part-time librarian from 29th April, 2010 to 30th April, 2012 and also release the arrears of salary for the said period within a period of three months.

Order accordingly. No costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)