

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Writ Petition No.3349 of 2014

(Progressive Education Society and Ors. vs. State of Mah. through its Secretary, Edu.
Deptt., Mumbai and Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.Anand Parchure, Adv. for the petitioners.
Mr.D.M.Kale, A.G.P. for respondent nos. 1 to 3.

CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.

DATE : 14th JANUARY, 2015.

Heard.

Rejection of approval to the appointment of petitioner nos. 2 and 3 as 'Tabla Visharads/Tabalchis' in two different schools is questioned in the present petition. Rejection is by communication dtd.30.4.2014/6.5.2014 pointing out that the appointments have been made on the posts which are in excess of the sanctioned number of posts.

Mr.Anand Parchure, learned Counsel for the petitioners invites our attention to the staff justification of both schools for the years 2011-12 and 2012-13. The said justification dtd.18.1.2012 and 30.1.2013 shows availability of posts of Tabalchis. There is also a note which stipulates that for the post of Tabalchi approval of Government is not required.

Petitioner no.1 has carried out the recruitment process in accordance with law and thereafter, petitioner nos. 2 and 3 have been appointed.

The learned A.G.P. is relying upon reply-affidavit. He submits that the note in the staff justification clearly shows that, for filling up the said posts which are over and above the sanctioned posts, approval/sanction of the State Government is necessary.

Perusal of the notes on the staff justification (mentioned supra) shows that for the post of Tabalchi, an exception has been carved out. This Court has considered similar controversy while deciding Writ Petition No.1441 of 2014 on 3.11.2014. This Court then has, in the light of similar note and similar defence, directed the department to grant approval to the appointment of the petitioner therein.

Following the same view, we direct the respondents to grant necessary approval to the appointments of petitioner nos. 2 and 3 herein within a period of two months from today.

The Writ Petition is, thus, allowed. No costs.

JUDGE

JUDGE