

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 905 OF 2015

Ku. Madhuri D/o Ramprasad Dhakate and others

-vs-

State of Maharashtra, thr.its Secretary, Deptt. of Social Justice and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mrs.S.W.Deshpande, counsel for the petitioners.
Ms Tajwar Khan, AGP for the respondent Nos.1 to 3.
Mrs.Rajashree Dewani, counsel for the respondent Nos. 4 and 5.

CORAM : SMT. VASANTI A. NAIK &
A. I. S. CHEEMA, JJ.

DATE : 16.10.2015.

Heard.

RULE. Rule made returnable early.

We *prima facie* find on hearing the learned counsel for the parties that the respondent Nos.2 and 3 have wrongfully not granted approval to the appointment of the petitioners on the post of Special Teacher, Caretaker, Sweeper and Nurse-cum-Psychologist on the ground that necessary permission from the respondent No.2 was not secured before filling up the posts. On a reading of the document at Annexure-9, we find that the respondent No.2 had granted permission to fill the four posts. In terms of para-2 of the communication-permission at Annexure-9, permission was granted to the respondent Nos.4 and 5-School for mentally challenged, to fill up the posts of Special Teacher, Caretaker and Psychologist which may include the post of Nurse. It appears that though the respondent No.2 believed that Smt.Shakuntala Wanwasi Alne was working as a Helper, it is pointed out by the learned counsel for the respondent Nos.4 and 5 on the basis of the statement made on

affidavit that Smt.Shakuntala Wanwasi Alne is not working as a Helper with the respondent Nos.4 and 5 and the petitioner No.4 is working on the said post. We *prima facie* find that the permission was granted to the respondent Nos.4 and 5 to fill the posts on which the petitioners were appointed.

This Court had by an interim order dated 23/02/2015, protected the services of the petitioners. Since we find that the petitioners were duly appointed and are in service from the date of their appointment, we direct the respondent Nos.1 to 3 to grant provisional approval to the appointment of the petitioners within a period of fifteen days and start paying the regular salary of the petitioners from the month of October, 2015. The respondent Nos.4 and 5 should submit the proposal for payment of regular salary to the petitioners immediately.

CIVIL APPLICATION (W) NO.1438 OF 2015

Heard.

For the reasons stated in the application, the prayer is granted. The applicant-respondent No.3 is exempted from depositing the amount of Rs.2,00,000/-. Civil application is disposed of accordingly.

Copy of this order be supplied to the parties.

JUDGE

JUDGE