

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.7875 OF 2011

Sunil S/o Sukhdeo Londhe Vs. The State of Maharashtra and others.

WITH

C.A.NO.15467 OF 2016

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.R.Kolhare, advocate for the petitioner
Mrs.M.A.Deshpande, Addl. Government Pleader for the State.
Mr.R.V.Naiknavare, advocate for Respondent No.6.
Mr.A.S.More, advocate for Respondent No.7.

CORAM : S.V.GANGAPURWALA AND K.L.WADANE, JJ.

Date : 29.11.2016.

PER COURT :

1. Heard.
2. Mr.Kolhare, learned counsel for the petitioner states that pursuant to an advertisement issued in the year 1996, the petitioner had applied. Though the appointment order states that the petitioner is appointed on B.Ed. scale, however, the post is vacant and in 1998 directly appointment was made of one Mrs.Pawar in B.Ed. pay-scale, so also Respondent Nos.6 and 7 in the year 2000. The same was erroneous. The claim of the present petitioner ought to have been considered. According to the learned counsel, the

reasoning given by the Education Officer is erroneous and illegal.

3. The learned counsel for the Respondents submit that pursuant to advertisement of the year 1996, one Mrs.Pawar was appointed on B.Ed. pay-scale. The petitioner was appointed on D.Ed. Pay-scale and one Mr.Hangargekar was appointed in 1999 as a Head Master, so also Mr.Bharti Anil was appointed in 1999 in English subject.

4. We have considered the submissions. The impugned order itself states that if in future vacancy arises in graduate pay-scale then the petitioner would be considered for appointment on graduate pay-scale.

5. In the year 1998, approval has been granted to the appointment of Mrs.Pawar of graduate pay-scale so also of Mr.Hangargekar in the year 1999 as a Head Master and of one Mr.Bharti Anil in the year 1999 in English subject, whereas the petitioner was appointed on D.Ed. Pay-scale i.e. of a trained primary teacher.

6. Considering the fact that there is no vacancy, the case of the petitioner could not have been considered. However, the order itself states that as and when the vacancy would arise in respect of graduate teacher, the case of the petitioner would be considered. The Respondents would be bound by the said order passed by the Education officer to consider the petitioner on graduate pay-scale as

and when the vacancy arises.

7. The Writ Petition is accordingly disposed of with these observations. No costs.

8. The Civil Application also stands disposed of.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.29.11.2016.
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