

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.5940 OF 2013**Vimal d/o Mansing Pawar Vs. The State of Maharashtra and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
--	---------------------------

Mr.Y.B.Pathan along with Mr.R.T.Rathod, advocates for the petitioner.

Ms.R.P.Gour, A.G.P. for the State.

Mr.P.R.Katneshwarkar, advocate for Respondent Nos.5 and 6.

CORAM : S.V.GANGAPURWALA AND K.L.WADANE, JJ.**Date : 23.11.2016.****PER COURT :**

1. Heard.
2. Mr.Pathan, learned counsel along with Mr.Rathod, learned counsel for the petitioner strenuously contend that the petitioner was appointed in the year 2004. The proposal seeking approval to the appointment of the petitioner was also sent. Instead of approving the appointment of the petitioner since the year 2004, the Respondent-authority approved the appointment of the petitioner since 2008. Voluminous documents are filed on record to substantiate the appointment of the petitioner in the year 2004. The

copy of the advertisement, the appointment order so also the Muster and the Tachan are produced on record which unequivocally goes to establish that the petitioner is appointed in the year 2004 and officiating since the said date. Proper selection procedure was also followed. The Project Officer committed an error in not approving the appointment of the petitioner since the year 2004.

3. Learned A.G.P. submits that in the year 2004 as per the roster the post in English subject was vacant and that too for S.T. Category. The petitioner belongs to V.J. Category and is a teacher in Hindi subject. Considering the long service of the petitioner, the Respondent No.4 has taken a liberal approach and approved the services of the petitioner from the year 2008 i.e. the year in which the post became available for Hindi subject and V.J. Category.

4. We have considered the submissions canvassed by the learned counsel for respective parties. The advertisement issued shows that the post for English subject was vacant. The advertisement does not seem to have been issued for Hindi subject. The petitioner is for Hindi subject. The said post became available in the year 2008. It is submitted on affidavit by Respondent No.4 that the post of Hindi was not available up to the year 2008 even as per staffing pattern.

5. As the post to which the petitioner was appointed was not available till the year 2008, certainly the approval could not have

been granted to the petitioner prior to 2008 though the petitioner may have been appointed by the Respondent institution in the year 2004. The post for Hindi was not admissible up to the year 2008, as per the staffing pattern.

6. Considering the aforesaid conspectus of the matter, we do not see any error committed by the Respondent No.4 in passing the impugned order. In view of that, the Writ Petition is dismissed. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.23.11.2016.
asp/office/wp5940.13

