

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

38 WRIT PETITION NO. 9024 OF 2016

RAHUL BHIKANRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. Brahme Shailesh P.
AGP for Respondents 1 and 2- State: Mrs. R. P. Gour
Advocate for Respondent No.4 : Mr. U. R. Awate i/by Talekar
& Associates
Advocate for Respondent No.3 : Mr. Amol S. Sawant

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 22nd November, 2016

ORDER:

1. The proposal seeking approval to the appointment of the petitioner as Assistant Teacher is rejected basically on the ground that the Management which has submitted the proposal was not competent or is not in office.

2. It is submitted by Mr. Bramhe, the learned counsel for the petitioner, that services of petitioner as Shikshan Sevak were already approved and after completion of three years as Shikshan Sevak, the proposal was submitted for approval as Assistant Teacher. On successful completion of three years, the petitioner would be a deemed confirmed employee as Assistant Teacher and as such, it was not necessary to

enter into the dispute.

3. Mr. Sawant, the learned counsel does not dispute that the petitioner was properly appointed and his services are required to be confirmed.

4. Mr. Awate, the learned counsel for respondent No.4 submits that the proposal seeking approval to the appointment of the petitioner as Assistant Teacher was submitted by the persons who were not in the Management. The persons who are in the Management would submit the proposal seeking approval to the appointment of the petitioner as Assistant Teacher. The learned counsel submits that even they would not have any objection, if services of the petitioner are approved.

5. We are not entering into the dispute as to which persons are in the Management. It is not disputed by either of the parties that services of the petitioner as Shikshan Sevak are approved. On completion of period of three years as Shikshan Sevak and continuation of the petitioner in service, the petitioner has to be considered as a confirmed Assistant Teacher. It is nowhere disputed that the petitioner is in services. It is also submitted that similarly situated employees have been granted approval

as Assistant Teacher.

6. Considering the aforesaid aspects of the matter, the impugned order is quashed and set aside. The Education Officer shall consider the proposal of the petitioner referred to him seeking approval to the appointment of the petitioner as Assistant Teacher on its own merits, without entering into dispute as to the persons in Management.

7. In view of the fact that services of petitioner as Shikshan Sevak are already approved, the said proposal shall be considered expeditiously, preferably within three months and the same be communicated by the Education Officer to the concerned parties.

8. Writ petition is disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC