

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

WRIT PETITION NO.10847 OF 2016

Ravindra s/o. Vitthalrao Mupade,
Age:30 years, Occ. Service-Teacher,
r/o. At Post, Jarikot,
Tq. Dharmabad, Dist. Nanded ..Petitioner

Vs.

The State of Maharashtra,
through Secretary,
Education and Sports Development,
Mantralaya, Mumbai - 32
and ors. ..Respondents

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Mr.M.M.Parghane, Advocate for petitioner

Mr.S.B.Yawalkar, AGP for respondent nos.1 and 2

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**CORAM : R.M. BORDE AND
SANGITRAO S. PATIL, JJ.
DATE : NOVEMBER 16, 2016**

PER COURT :

Heard.

2. The proposal for approval to the appointment of the petitioner as an untrained Assistant Teacher has been turned down on various grounds recorded in the impugned order/letter

dated 26.05.2016 issued by the Deputy Director of Education, Aurangabad Division, Aurangabad.

3. The proposal was neither accompanied by the advertisement issued by the Institution prior to making appointment nor the list of the candidates called for the interview was tendered along with the proposal. Though resolution in respect of appointment of the petitioner as an untrained Assistant Teacher, was recorded on 23.07.2014, the appointment is made with retrospective effect from 01.10.2009. Under the relevant policy, appointment of an untrained Assistant Teacher cannot be made that too, with retrospective effect. The proposal was not even accompanied by the roster verified by the Social Welfare Department.

4. In view of the deficiencies recorded in the impugned order/letter, the Deputy Director of

Education proceeded to turn down the proposal tendered by the Institution seeking approval to the appointment of the petitioner as an untrained Assistant Teacher. We do not find any irregularity or inconsistency in the impugned order so as to cause interference in exercise of the extraordinary jurisdiction under Article 226 of the Constitution of India.

5. The petition is devoid of substance and as such, stands dismissed.

[SANGITRAO S. PATIL, J.]

[R.M. BORDE, J.]