

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

WRIT PETITION NO.4166 OF 2016

Jayant S/o Shailendra Gangne ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.M.V.Ghatge, advocate for the petitioner.
Mr.V.S.Badakh, A.G.P. for the State.
Mr.S.R.Bagal, advocate for Respondent No.4.
Mr.M.P.Tripathi, advocate for Respondent No.5.

...

**CORAM : S.V.GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

Date : 10.04.2017.

PER COURT :

1. Heard.

2. Mr.Ghatge, learned counsel submits that the petitioner had moved for correction for the date of appointment in the order of approval. The

documents are not considered. The petitioner's initial date of appointment is 11.6.2001. Learned counsel submits that the appointment was on probation as a Clerk. The petitioner joined on 11.6.2001. The name of the petitioner is also shown in seniority list since the year 2001-02 continuously. Even query was made by the Education Officer to the Head Master in the year 2005 as to why the signatures of the petitioner were not taken on the Muster roll. Thereafter, in the year 2007 also the queries were asked as to why the proposal is submitted so late. All these facts would go to show that the petitioner is working since 2001.

3. Mr.Tripathi, learned counsel submits that the Muster roll was placed on record before the Education Officer.

4. Learned A.G.P. states that there is no evidence which would conclusively establish that the petitioner is working since the year 2001. The order of granting approval since the year 2007 is correct.

5. We have considered the submissions. The petitioner has produced on record the appointment order, joining letter, the seniority list since 2001-2002 and the letters of the Education Officer. It is submitted that the Head Master had also produced the Muster roll before the Education Officer. In the impugned order, it does not appear that the same has been considered.

6. In light of the above, the impugned order is quashed and set aside. The Education Officer shall reconsider the case of the petitioner for correction of date of appointment in the approval order afresh. The petitioner and the Head Master may file on record all the relevant documents substantiating the case of the petitioner before the Education Officer. On receiving all these documents, the Education Officer shall decide it expeditiously, preferably within three (3) months thereafter.

7. The Writ Petition is disposed of. No costs.

(SANGITRAO S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

asp/office/wp4166.16

