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

WRIT PETITION NO. 2637 OF 2005

**SHRI KSHATRIYA MAHARAJ ODIYAR SMARAK SMRITI MANDIR
SOCIAL WELFARE SO & ANR
VERSUS
STATE OF MAH & ORS**

Advocate for Petitioners : Pratap G Rodge
AGP for Respondents: Mr.A.D.Namde**

CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL,JJ.**

DATE : 16/08/2017

PER COURT :-

The petitioner assails letter dated 8/10/2003 issued by the respondent no.2 thereby refusing to approve the appointment of petitioner no.2.

2] The counsel for the petitioner states that the petitioner no.1 runs Handicapped School. At the relevant time it had sanctioned strength for 40 students. The petitioner no.2 was appointed as a Clerk. Even the schools which had a sanctioned strength of 25 students, the respondent no.2 had sanctioned post of Clerk. The Divisional Social Welfare Officer recommended the sanction of the said post. However, though the Handicapped Schools having 25 students were sanctioned the post of Clerk, the petitioner school

which had sanctioned strength of 40 students, is not granted approval.

3] Learned counsel submits that in the year 2007, additional ten students are sanctioned to the petitioner school initially on non-grant basis and now they are also brought on grant in aid basis, as such sanctioned strength from the year 2007-08, is fifty students. Even otherwise, as per the Government Resolution dated 18/08/2004, the post of Junior Clerk would be admissible.

4] The learned A.G.P. submits that when inspection was carried out, only 25 students were present in the petitioner-school. As per G.R. dated 18/08/2004, the post of Clerk is inadmissible as 25 students were present. The learned counsel submits that even Head Master has given clarification that petitioner no.2 has left the school from 1/5/2010.

5] We have considered submissions. As far as inspection report is concerned, we are not intended to go into the same.

6] It is stated by learned AGP that the petitioner no.2 w.e.f. 1/5/2010 has left petitioner no.1 school.

7] The respondent State has stated that they would be adhering to Government Resolution dated 18/8/2004 while considering sanctioned staffing pattern.

8] According to the counsel for petitioner, petitioner no.2 is still working. The petitioner may send proposal to the respondent with regard to the sanctioned post. Respondent shall consider said proposal with regard to the sanction of the post and if any person is appointed as Junior Clerk by following proper procedure of law and if the post is available as per G.R.dated 18/08/2004, then shall consider the proposal for grant of approval to the person appointed in accordance with law. With this observation, Writ Petition stands disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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