IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4032 OF 2017

Swapnil Sudam Shinde ..PETITIONER

VERSUS

State of Maharashtra and Others ..RESPONDENTS

WITH
WRIT PETITION NO. 4033 OF 2017

Pratiksha Pralhad Wagh ..PETITIONER

VERSUS

State of Maharashtra and Others ..RESPONDENTS

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Mr. S.R. Kolhare, Advocate for petitioners.
Mr. M.B. Bharaswadkar and Mrs. V.N. Patil – Jadhav, A.G.P. for Respondent Nos. 1 and 2 in respective matters.
Mr. U.S. Mote, Advocate for Respondent No.3 in both matters.

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CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.
DATED : 27th MARCH, 2017

ORDER :

1. The learned A.G.P. appears for Respondent Nos. 1 and 2 and Mr. Mote, learned Counsel appears for Respondent No.3.

2. Mr. Kolhare, learned Counsel for the petitioner submits that the petitioner has been appointed by following proper procedure of law.

The approval is also granted to appointment of the petitioner. However, On 23rd February, 2017, directions are issued by the Commissioner of Education to the Education Officer (Primary) stating that irregular approval has been granted to appointment of the petitioner and further action should be taken. Learned Counsel submits that appointment of the petitioner is legal and approval has also been granted properly. Since July 2016 the salary of the petitioner has been withheld. The management has submitted the salary bills to the Education Officer.

3. Learned A.G.P. and learned Counsel for the Education Officer submit that the prima facie satisfaction was arrived at by the Commissioner about the manner of granting approval. The directions are given to the Education Officer to hear the petitioner and pass a reasoned order. There is no order against the petitioner. The petitioner has approached this Court merely on apprehension. Respondent No.3 certainly will have to hear the petitioner before taking any further action with regard to the approval granted in favour of the petitioner.

4. The petitioner has submitted that he is discharging his duties. Salary bills are submitted by the management. There is no reason for the respondents to withhold the salary of the petitioner more particularly

when approval till today is intact. The respondents shall release the salary in favour of the petitioner. The salary shall not be withheld only on the ground that enquiry with regard to the approval to the appointment of the petitioner is in process. Further orders, if any is contemplated to be passed by the respondent – authority with regard to the approval, the same shall be passed only after hearing the petitioners.

5. Writ petitions are accordingly disposed of. No order as to costs.

(SANGITRAO S. PATIL, J.) **(S.V. GANGAPURWALA, J.)**

SSD