

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

BENCH AT AURANGABAD.

WRIT PETITION NO.4405 OF 2016

Amol S/o Raosaheb Pawar ...Petitioner.

Versus

The State of Maharashtra
through Secretary
Education Department,
Mantralaya, Mumbai
and others. ... Respondents.

...

Mr.S.V.Jadhav, advocate for the petitioner.
Mr.K.D.Mundhe, A.G.P. for the State.
Mr.R.R.Suryawanshi, advocate for Respondent No.4

**WITH
WRIT PETITION NO.10189 OF 2016**

Gram Vikas Bahu-uddeshiya
Shikshan Prasarak Mandal,
Ismalpur, Tq. Udgir, Dist.
Latur, through its
President Vinayak S/o
Pandurang Bembade. ... Petitioner.

Versus

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

...

Mr.R.R.Suryawanshi, advocate for the petitioner
Mr.K.D.Mundhe, A.G.P. for the State.

...

**CORAM : S.V.GANGAPURWALA AND
S.M.GAVHANE, JJ.**

Date : 08.11.2017.

PER COURT :

1. In Writ Petition No.4405/2016, the order refusing approval to the appointment of the petitioner is assailed, whereas in Writ Petition No.10189/2016, the Management has also assailed the order refusing approval to the petitioner of Writ Petition No.4405/2016 and has further prayed to direct Respondent authorities to sanction 11 posts of Assistant Teachers and one post of Head Master on the establishment of its School.

2. It is the contention of the learned counsel for petitioners that as per the approved staffing pattern for the year 2010-11, 2011-12, 2012-13 five posts of Assistant Teachers and one post of Head Master was approved for 8th, 9th and 10th standard. However, for the year 2013-14 onwards the post of Assistant Teacher was reduced on the premise that 8th standard was attached to Primary. The Respondents have not considered the strength of the students and the provisions of

the Right of Children to Free and Compulsory Education Act, 2009, so also the Government Resolutions.

3. According to learned A.G.P. though the additional post was admissible in the year 2010-11, the institution did not seek sanction from the Respondent authorities. The approval could not have been granted in favour of the person appointed on the said post and as such the order is rightly passed.

4. It is not disputed that the additional post was admissible in the year 2009-10 in the institution of the petitioner. The same was the position up to the academic year 2012-13. The petitioner in Writ Petition No.4405/2016 claims to have been appointed on 1.9.2010. Of-course, it is stated that the post though admissible was not sanctioned. It would be appropriate for the institution to approach the authority for the sanction of the said post for the relevant years.

5. Considering above, we are inclined to

grant one more opportunity to the petitioner by setting aside the impugned order. The impugned order is quashed and set aside. The petitioner shall approach the competent authority for sanction of additional post for the year 2010-11, 2011-12 and 2012-13, so also may approach the authorities with regard to the staffing pattern for the subsequent years. The authority shall consider the grievance of the petitioners on its own merits expeditiously, preferably within three (3) months from the date of representation made by the petitioners. Thereafter, the authority shall consider afresh the aspect of approval to the appointment of the petitioner of Writ Petition No.4405/2016.

6. With these observations and directions, the Writ Petitions are disposed of. No costs.

(S.M.GAVHANE, J.)

(S.V.GANGAPURWALA, J.)

