

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

WRIT PETITION NO. 6560 OF 2004

**RAGINI RAJESH PURANIK
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

Mr. S.P. Shah, holding for learned Counsel Mr. D.P. Palodkar,
Advocate for the petitioner.

Mr. S.B. Joshi, A.G.P. for respondent Nos. 1 and 2.

Mr. K.C. Sant, Advocate for respondent Nos.3 and 4.

**CORAM : R.D. DHANUKA &
SUNIL K. KOTWAL, JJ.**

Dated : 08-08-2017.

ORAL ORDER (PER R.D. DHANUKA, J.) :-

1. By this petition, the petitioner seeks writ of certiorari or any other appropriate writ thereby praying for quashing and setting aside the impugned order dated 02-08-2004 passed by the Education Officer (Second), Zilla Parishad, Jalgaon cancelling the approval granted to the petitioner earlier to the post of Sangit Sikshan Sevak.

2. Some of the relevant facts for the purpose of deciding this petition are as under :-

Pursuant to an advertisement issued by the Management, the petitioner had applied for the post of “Sangit Shikshan Sevak” Petitioner was appointed to the said post by respondent Nos.3 and 4 on 23-01-2002 for the period from 23-01-2002 to 22-01-2005. Appointment of the petitioner was approved by respondent No.2 vide his order dated 26-09-2002.

3. On 02-08-2004 respondent No.2 passed an order and communicated it to respondent No.3 that the approval granted to the post of the petitioner was cancelled for the reason that the said appointment was made without clearing the backlog and without mentioning of backlog in the advertisement issued by the Management. This order of cancellation of approval by respondent No. 2 has been impugned by the petitioner in this petition.

4. This Court has granted interim relief in terms of prayer Clause (C) thereby staying operation of the order dated

02.08.2004 passed by respondent No.2.

5. During the pendency of this petition, petitioner has been already appointed to the post of Assistant Teacher by the Management and his appointment is already approved by respondent No.2 vide order dated 26-09-2009. The petitioner has been working as Assistant Teacher since 2007.

6. In our view, since the appointment of the petitioner made to the post of Assistant Teacher subsequently has been already approved by respondent No. 2 on 26-09-2007 and the impugned order dated 02-08-2004 passed by respondent No.2 was stayed by this Court on 20-01-2005, nothing survives in this Writ Petition. It is however made clear that the respondents will not be permitted to re-open the issue of appointment of the petitioner to the post of Shikshan Sevak as well as to the post of Assistant Teacher. Disposal of this petition will not affect the approval granted by respondent No.2 to the petitioner to the post of Assistant Teacher vide order dated 26-09-2007.

7. Writ Petition is disposed of in the aforesaid terms.

Rule is made absolute in aforesaid terms. No costs.

(SUNIL K. KOTWAL)
JUDGE

(R.D. DHANUKA)
JUDGE

vdd/