

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

WRIT PETITION NO. 4571 OF 2014

GOVIND LAXMAN ITBOYANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Pradeep Deshmukh, Advocate h/f Mr.Yashodeep P.
Deshmukh, Advocate for the petitioner
Mr.P.S.Patil, AGP for the respondent/State
Mr.U.B.Bondar, Advocate for the respondent No.3
Mr.S.B.Gastgar, Advocate for respondent No.7
Mr.Yogesh P. Deshmukh, Advocate for respondent No.6

**CORAM : S.V. GANGAPURWALA &
S.M. GAVHANE, JJ.**
DATED : 06.11.2017

P.C. :-

. Learned counsel for the petitioner submits that the petitioner would restrict the present petition to the following prayers C-1) & C-2) only and would not press for other prayers.

C-1) By issue of writ of mandamus or any other writ or directions of like nature, the Respondent Nos. 3 and 4 may kindly be directed to grant approval in favour of petitioner w.e.f. 1106.2008 to 31.08.2017 as a untrained graduate teacher in continuation of earlier approval dated 05.07.2012 and further be directed to

treat the petitioner's service as a regular continuous service from 11.06.1997 and be directed to pay the arrears of entire period as per Rules applicable to the untrained graduate primary teacher with all consequential benefits within a period of 1 month.

C-2) By issue of writ of mandamus or any other writ or directions of like nature, the respondent Nos.3 and 4 may kindly be directed to grant approval in favour of petitioner as a trained graduate primary teacher w.e.f. 01.09.2017 and be directed to pay regular salary.

2. In that event it will be for the Management to send the proposal to the Education Officer and the Education Officer will have to take decision on its own merits.

3. It is submitted by the learned counsel for the Management that the proposal would be submitted within a period of four weeks from today. The Education Officer shall take decision upon it on its own merits and in accordance with law on the said proposal expeditiously, preferably within four months of the receipt of proposal.

The parties are at liberty to appear before the Education Officer on 27.11.2017. The parties are at liberty to place on record the documents.

4. The respondent Headmaster may also sign this proposal with his own noting. The writ petition accordingly stands disposed of. No costs.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]