

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

939 WRIT PETITION NO.6365 OF 2015

Rajkumar Kerba Waghmare.

...Petitioner.

Versus

The State of Maharashtra & others.

...Respondents.

Mr. N.P. Bangar, advocate for petitioner.

Mr. S.G. Karlekar, A.G.P. for respondents no.1 & 5.

Respondent No.2 served (absent).

Mr. R.J. Godbole, advocate for respondents no.3 and 4.

...
CORAM : R.M. BORDE &

SMT.VIBHA KANKANWADI, JJ

DATED : 12th September, 2017.

PER COURT :

. The petitioner is praying for issuance of directions to the respondent to forward proposal for according approval to the appointment made as assistant teacher (Primary), to the Education Officer. The petitioner is also seeking direction to the respondent - management to pay the salary in the pay-scale, prescribed for the post of assistant teacher regularly on or before 5th day of every month pending disposal of the petition. The petitioner contends that he has been appointed as assistant teacher (primary) in the school run and operated by the respondent no.3 institution since 2012. The appointment was against sanctioned post. The learned counsel for the petitioner

states that the petitioner has been continued in employment since the date of appointment.

2. The respondent institution has tendered a reply and controverted the contention raised by the petitioner. According to the respondent, the petitioner was appointed purely on temporary basis and his appointment was not against a vacant post of a clear vacancy. The procedure in respect of publication of advertisement and holding interview was not observed. It is further contended that the petitioner was not issued the letter of appointment and that his appointment has not been continued till 2014.

3. Since the respondent institution has controverted the contention raised by the petitioner in respect of his continuance of petitioner in employment, the prayer made by the petitioner for issuance of direction to the respondent institution to tender proposal for according approval to appointment of the petitioner does not deserve to be considered.

4. Keeping the option open to the petitioner to avail remedies, available in law, the Writ Petition stands disposed of.

[SMT.VIBHA KANKANWADI]
Judge

[R.M. BORDE]
Judge