

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

932 WRIT PETITION NO. 11657 OF 2016

DNYANESHWAR NAMDEO LAKDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. S.V. Natu
AGP for Respondents 1 & 2 : Mrs. V.N. Patil/Jadhav
Advocate for Respondents 3 & 4 : Mr. P.V. Jadhavar h/f. Mr. S.V.
Dixit

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**CORAM : SHANTANU S. KEMKAR &
N.W. SAMBRE, JJ.**

DATED : August 10, 2017.

PER COURT :

. With the consent of learned counsel for parties heard finally.

2. Challenging the letter dated 4.11.2016 issued by respondent No. 2 rejecting the approval of the petitioner's appointment as Full Time Trained Teacher with effect from 1.11.2014, the petitioner has filed the petition.

3. According to the petitioner the reasons assigned in the impugned order for rejecting the aforesaid proposal are contrary to the facts on record. He submits that as per

respondent Nos. 3 and 4 they had submitted the roster along with the proposal. So far as the no objection, in terms of the circular dated 30.6.2016 is concerned, according to him, the said circular dated 30.6.2016 will not be applicable to the petitioner since the petitioner was appointed in the year 2005 which is much prior to coming into force of the aforesaid circular.

4. When the matter is taken up for hearing, the learned counsel for petitioner submits that this petition may be disposed of by directing respondent No. 2 to reconsider the matter of approval of petitioner's appointment taking into consideration the fact that the petitioner's appointment was prior to the said circular and respondent Nos. 3 and 4 be directed to submit the roster once again if the same has already not been attached with the proposal.

5. In view of the aforesaid prayer we are inclined to dispose of the petition by directing respondent No. 2 to reconsider the petitioner's aforesaid proposal and take the decision afresh uninfluenced by the earlier rejection dated 4.11.2016.

6. The petitioner is at liberty to submit detail representation with supporting documents before respondent No. 2. Before taking decision respondent No. 2 shall give opportunity of hearing to the petitioner and respondent Nos. 3 and 4. Let the decision as aforesaid be taken by respondent No. 2 within six weeks from the date of receipt of copy of this order. We expect that the respondent No. 2 shall pass a reasoned order.

7. With the aforesaid directions, the petition is disposed of.

[N.W. SAMBRE, J.] [SHANTANU S. KEMKAR, J.]

ssc/