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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 3558 OF 2014
WITH
CIVIL APPLICATION No. 1644 OF 2016

Nandkumar Raosaheb Babar ... Petitioner
Vs.
State of Maharashtra & Ors. ... Respondents

Mr. I. M. Khairadi, for the Petitioner.

Mr. V. N. Sagare, AGP for Respondent Nos. 1 and 2.

CORAM : B. R. GAVAI, &
RIYAZ I. CHAGLA, JJ.

DATE : JULY 11, 2017

PC.

1. Rule. Rule is made returnable forthwith. By consent of parties, matter is taken up for final hearing.

2. Petitioner has approached this Court for a writ directing the Respondents to grant approval to his appointment on permanent basis as an Assistant Teacher.

3. Petitioner was initially appointed as an Assistant Teacher

in the Respondent No. 5 – School under the Management of Respondent No. 4. However, it appears that Petitioner was prevented from signing the muster roll, and as such, alleging “otherwise termination”, he preferred an appeal before Respondent No. 3. His appeal was dismissed by Respondent No. 3. However, it has directed the Management to appoint the Petitioner as and when a vacancy arose. Accordingly, Respondent Management on the vacancy being available, appointed the Petitioner on 19th November, 2009. A proposal was also sent to Respondent No. 3 for grant of approval. Vide order dated 1st October, 2012, Respondent No. 3 granted approval only for a period from 19th November, 2009 to 31st May, 2011.

4. We find that when the vacancy was of permanent and clear post, there is no justification for grant of approval for a limited period. In any case, the Respondent Management filed affidavit stating therein that the Petitioner is still working and his performance is satisfactory.

5. In that view of the matter, we allow the petition. We direct Respondent No. 3 to grant permanent approval to the Petitioner

from 1st June, 2011. The salary shall be paid to the Petitioner from the month of August, 2017. Arrears of salary would be cleared within six months. Rule is made absolute in the aforesaid terms with no orders as to costs. Writ petition is accordingly disposed of.

6. In view of disposal of the petition, Civil Application No. 1644 of 2016 filed therein does not survive and is accordingly disposed of.

Sd/-
[RIYAZ I. CHAGLA, J.]

Sd/-
[B. R. GAVAI, J.]

Vinayak Halemth