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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4603 OF 2016

Smt. Sakshi Narendra Waradkar ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondents

WITH

WRIT PETITION NO. 4604 OF 2016

Smt. Swapnali Suresh Munankar ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondents

**ALONGWITH
NOT ON BOARD MATTERS**

WRIT PETITION NO. 4098 OF 2016

WITH

WRIT PETITION NO. 4099 OF 2016

WITH

WRIT PETITION NO. 5838 OF 2016

Mr N.V. Bandiwadekar, *Adv i/b Mr. M.G. Bagkar, Adv. For the Petitioners in above Writ Petitions.*

Mr Bhupesh Samant, *AGP for Respondent No.1 in above Petitions.*

Mr Swaraj S. Jadhav, *Adv for Respondent No.3 in Writ Petition No. 4603 and 4604 of 2016.*

**CORAM: B.R. GAVAI AND
RIYAZ I. CHAGLA, JJ.**

DATED: 10th July 2017

PC:-

1. Writ Petitions Nos. 4098, 4099 and 5838 of 2016 are not on board. Taken on board.
2. Rule. Rule made returnable forthwith. Heard by consent.
3. All these Petitions impugn the communication dated 31st October 2015 vide which approval to the appointment of Petitioners as Assistant Teacher is rejected.
4. Mr. Samant, learned AGP vehemently opposes the Petition on the ground that initially the appointment of Petitioners were in accordance with law.
5. The undisputed facts are that, all the Petitioners initially came to be appointed on 1st September 2010 as 'Shikshan Sevak' for a period of three years. The Respondent – Education Officer had granted approval to the appointment of Petitioners as 'Shikshan Sevak'. After completion of period of three years, the Respondent – Management continued the

Petitioners in the capacity of Assistant Teachers. The proposal for grant of approval for the same purpose have been submitted. However, by the impugned communication it was rejected.

6. The only ground that the approval is rejected is that, initially appointment of the Petitioners were made by Head Master.

7. We find that when initially appointment of the Petitioners as ' Shikshan Sevak' was approved by Education Officer, there was no reason to refuse approval to their continuation as Assistant Teacher after they successfully completed three years period as 'Shikshan Sevak'. In any case as per the Government policy itself, if there is a dispute between various groups of the management, it is only Head Master, who can make appointments.

8. In that view of the matter, we find that the impugned orders are not sustainable in law.

9. Rule is therefore, made absolute. The impugned order is quashed and set aside.

10. The Respondent – Education Officer is to grant approval to the appointment of the Petitioners as Assistant Teacher on the date on which they completed three years period as 'Shikshan Sevak'.

11. Needless to state that, the Petitioners would get regular salary in the scale of Assistant Teacher from the month of August 2017. The arrears shall be clear within a period of three months from today.

12. The impugned orders in so far as the Petitioners are concerned is quashed and set aside.

(RIYAZ I. CHAGLA J.)

(B.R. GAVAI J.)