

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4100 OF 2016

Ameesha Umesh Kasalkar

...Petitioner

WITH
WRIT PETITION NO.4628 OF 2016

Aniket Anil Kamble

...Petitioner

WITH
WRIT PETITION NO.7128 OF 2016 (Sr.No.506)

Atul Purushottam Wadhokar

...Petitioner

vs.

The State of Maharashtra and Others

...Respondents

Mr. N.V. Bandiwadekar a/w. Mr. M.G. Bagkar, for the Petitioners

Mr. Swaraj Jadhav, for Respondent No. 3.

Mr. Sandeep Babar, AGP for the Respondent-State.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**

DATE : JULY 19, 2017

P.C.:

. Not on board. Upon mentioning taken on board.

2. Rule. Rule made returnable forthwith. Heard finally by consent.

3. All these Petitions impugned the communication dated 31st October 2015 vide which the approval to the appointments of

Petitioners as “Clerk” in Writ Petition Nos. 4100 and 7128 of 2016 and as a “Laboratory Attendant” in Writ Petition No. 4628 of 2016 are rejected.

4. The learned AGP vehemently opposes the Petitions on the ground that initially the appointments 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 “Clerk” in Writ Petition Nos. 4100 and 7128 of 2016 and as a “Laboratory Attendant” in Writ Petition No. 4628 of 2016 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. The only ground that the approval is rejected is that, initially appointments of the Petitioners were made by Head Master.

6. We find that when initially appointments of the Petitioners as “Clerk” in Writ Petition Nos. 4100 and 7128 of 2016 and as a “Laboratory Attendant” in Writ Petition No. 4628 of 2016

were approved by Education Officer, there was no reason to refuse approval to their continuation as “Clerk” and “Laboratory Attendant” after they successfully completed three years period as “Clerk” and “Laboratory Attendant”. 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 the appointments.

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

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

9. The Respondent – Education Officer is directed to grant approval to the appointments of the Petitioners as “Clerk” in Writ Petition Nos. 4100 and 7128 of 2016 and as a “Laboratory Attendant” in Writ Petition No. 4628 of 2016 on the date on which they completed three years period as “Clerk” and “Laboratory Attendant”

10. 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 cleared within a period of three months from today.

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

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)