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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 8649 OF 2017

Mrs. Awale Smita Raju & Anr. ... Petitioners
Versus
The State Of Maharashtra ,
Through The Secretary And Anr. ... Respondents

Mr. N. V. Bandiwadekar i/b M. G. Bagkar, for the Petitioners.
Mr. V. N. Sagare, AGP for the Respondent Nos. 1 and 2.

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

DATE : AUGUST 1, 2017

PC.

1. Rule. Rule is made returnable forthwith. Learned AGP waives service of notice for Respondent No. 1 and 2. By consent of parties, petition is taken up for final hearing.

2. The Petitioner has approached this Court with a limited grievance that though the Petitioner is entitled to grant of approval as regular teacher, Respondent No. 2 – Education Officer is not even accepting the proposal for grant of approval. It is stated that the same is being done on the ground that his appointment was during the

period when there was ban.

3. The learned counsel appearing for the Petitioner states that issue in this petition is squarely covered by the judgment of this Court dated 10th July, 2017 passed in Writ Petition No. 8587 of 2016 wherein it is held that if a person is appointed on a reserved post to fill in the teachers for the subjects of English, Science and mathematics, the said ban would not be applicable.

4. We see no justification in refusing to grant approval to the Petitioner as a regular teacher.

5. The writ petition is therefore, allowed directing Respondent No. 2 to accept the proposal with regard to grant of approval of the Petitioner as an Assistant Teacher on his completion of three years as Shikshan Sevak in the light of the view taken by this Court in Writ Petition No. 8587 of 2016. It is further directed that till the proposal is decided by Respondent No. 2, he shall not send surplus teacher to occupy the post, which is occupied by the Petitioner. Rule is made absolute in the aforesaid terms with no orders as to costs.

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

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