

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10062 OF 2017

Ms. Pradnya Bhagwan Shinde .. Petitioner
Versus
State of Maharashtra .. Respondents

Mr. Ajay A. Joshi for petitioner
Mrs. Rupali Shinde, AGP for State.

CORAM : B.R. GAVAI &
SANDEEP K. SHNDE, JJ

DATE : 24th November, 2017

P.C.:

1. In spite of grant of last chance by order dated 6th November 2017, the respondents have not filed any reply.

2] The petitioner was appointed in the respondent No.5 – Vidyalala managed by respondent No.4 Shikshan Prasarak Mandal as Assistant Teacher in the subject of Mathematics. The petitioner came to be appointed as Shikshan Sevak vide order dated 17th June 2013. As such the proposal for grant of approval as Assistant Teacher came to be sent by the Management on 4th November 2015. Since the same has not been decided the petitioner has approached this Court.

3] It is the contention of the petitioner that the approval has not been granted on the ground that the appointment of the petitioner was made after the Government Resolution dated 2nd May 2012 which had banned recruitment.

4] It is a specific case of the petitioner that the said Government Resolution does not prohibit the appointment of teacher for the subject Mathematics.

5] The Division Bench of this Court had an occasion to consider the aforesaid Government Resolution. The Division Bench to which one of us (B.R.Gavai) was a Member, by its judgement and order dated 10th July 2017 has decided the same. The Division Bench in its order in para 7 has observed thus:-

“7. In that view of the matter, we find that in view of subsequent Grs and in view of the view taken by Division Bench of this Court, the bank would not be applicable to three categories, one where the recruitment process is already commenced prior to G.R. dated 2nd May 2012, second insofar as the appointment made for the subjects of English, Mathematics and Science are concerned and third, where the recruitment is made to fulfill the backlog of reserved category candidates.”

6] It could thus be seen that the Division Bench held that the

said G.R. would not be applicable to the teachers who are appointed for the subject Mathematics. The contention of the petitioner that he was appointed in the subject of mathematics has remained unchallenged since the respondent State has not chosen to file reply.

7] In that view of the matter, we find that the petitioner is governed by the judgement and order of this court in Writ Petition No.8587 of 2016 along with companion matters decided on 10th July 2017.

8] The respondent Nos. 2 and 3 are directed to grant approval to the appointment of petitioner. The same shall be done within four weeks from today. Salary of the petitioner shall be paid within a period of eight weeks from today.

(SANDEEP SHINDE, J)

(B.R.GAVAI, J.)