

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**924 WRIT PETITION NO. 10687 OF 2017**

NARSING NAGNATH PANDGE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Mr. V.D.Gunale, Advocate for Petitioner  
Mrs. A.V.Gondhalekar, AGP for Respondents-State  
Mr. D.S.Mali, Advocate for Respondent No.3  
...

**CORAM : PRASANNA B. VARALE AND  
MANGESH S. PATIL, JJ.**

**DATE : 29.11.2018**

**PER COURT :-**

1. Heard Mr. V.D.Gunale, the learned counsel appearing for the petitioner, Mr. D.S.Mali, the learned counsel appearing for the respondent No.3. The learned AGP appearing for State - Authority.

2. The petition is taken up for hearing / disposal with consent of the parties. The learned counsel Mr. Gunale appearing for the petitioner submitted that the petitioner was possessing the requisite qualifications namely B.Sc., B.Ed. so as to appoint the petitioner on the post of teacher or Shikshak Sevak as a post was falling vacant in the Respondent No.4 - School. Respondent No.3 - Society by due

procedure namely issuing advertisement in the paper called upon the eligible candidates. Copy of the advertisement is placed on record at Exh-B. In response to the advertisement, the petitioner submitted his claim and was subjected to an interview along with the other candidates. In support of this submission, a document is placed on record at page No.19 of the Petition.

3. It is then submitted that the petitioner was appointed and a necessary resolution was also passed to that effect. Copy of the appointment letter is placed on record at Exh-B. The learned counsel then submitted that the petitioner was appointed to teach mathematics subject and the Head Master submitted a proposal for approval to the Education Officer (Secondary). At Exh-F copy of the approval order is placed on record. The learned counsel for the petitioner then submitted that though an approval order was passed in favour of the petitioner and the petitioner also received salary for one month. It is submitted that mean time the Education Officer who granted approval was transferred and another person who came in place of the earlier Education Officer withheld the salary of the petitioner on the ground that there is no approval granted in favour of the petitioner. Thus the

petitioner is before this Court raising this grievance with the prayers made in the petition and the basic prayer is prayer clause 'C'.

'C – By issuing a writ of mandamus or any other appropriate order or directions, the respondents may kindly be directed to release the salary grants of the petitioner and pay him regular monthly salary since from his appointment i.e. 01.08.2014 as per the approval granted by the respondent No.2 dated 14.08.2014 to the appointment of the petitioner.'

In response to notice, an affidavit-in-reply is filed on behalf of Respondent No.2 - the Education Officer (Secondary) Zilla Parishad, Latur. A statement is made in the affidavit-in-reply and more particularly at paragraph No.8 of the reply, the same is reads that the office of Respondent No.2 has tried to take search in respect of record regarding grant of approval to the appointment of petitioner by the then Education Officer dated 14.08.2014, however, Respondent No.2 could not traced out the said approval order to their record, due to this reason as well as the reason of delayed payment to petitioner, Respondent No.2 has not sanctioned the payment of petitioner. In view of this statement, we have called upon the learned counsel appearing for Respondent Nos.3 and 4 to submit before us the copy of the approval order provided to the Head Master.

Today the learned counsel submitted before us, the copy of order dated 14.08.2018 for our perusal. The order is duly signed by the Education Officer.

4. Thus, on the back drop of these facts, we see no reason not to accept the submissions of the learned counsel appearing for the petitioner. The learned counsel for the petitioner was also justified in placing heavy reliance on the judgment of this Court delivered at the Principal seat. It was the submission of the learned counsel that the case of the petitioner falls in category-B of the judgment.

5. Considering all these facts, the Writ Petition is allowed in terms of prayer clause 'C' and disposed of accordingly.

**(MANGESH S. PATIL, J.)**

**(PRASANNA B. VARALE, J.)**

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vmk/-