

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

910 WRIT PETITION NO. 11848 OF 2016

SHAIKH MUSHRAFODDIN SHAIKH SHRAFODDIN

..PETITIONER

VERSUS

THE DY DIRECTOR AURANGABAD AND OTHERS

..RESPONDENTS

...

Mr. Pradeep Deshmukh h/f Mr. Yogesh P. Deshmukh,
Advocate for the Petitioner.

Mr. S. B. Joshi, AGP for Respondent-State.

...

**CORAM : S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.**

DATED : 24th NOVEMBER, 2018.

PER COURT:-

1. The petitioner has been granted approval as an Assistant Teacher from 01.05.2016. The petitioner seeks approval as an Assistant Teacher from 01.07.2013.

2. We have heard Mr. Deshmukh, learned counsel for the petitioner and the learned A.G.P. for respondent-State.

3. In fact, the Education Officer is bound by the judgment delivered by the School Tribunal in Appeal No.28 of 2013 dated 12.10.2015. The petitioner was appointed on 01.07.2010 on probation of three years. He was terminated on or about

14.10.2013. The order of termination was assailed before the School Tribunal. The School Tribunal allowed the Appeal granting the petitioner continuity in service with all consequential benefits under judgment and order dated 12.10.2015.

4. The order delivered by the School Tribunal is judicial order. The Education Officer was party to the said Appeal. The Education Officer is bound by the judgment delivered by the School Tribunal. It has been observed and held by the School Tribunal that the petitioner was appointed on probation for a period of three years in the year 2010 and thereafter, continued in service. The petitioner deserves to be granted continuity. It is not the case of the respondent that the post on which the petitioner was appointed was not admissible. No reasons are given by the Education Officer for granting approval to the appointment of the petitioner as Assistant Teacher from 01.05.2016. The Education Officer states that the same is granted from the date of the order of the School Tribunal. However, the order of the School Tribunal is otherwise.

5. In light of the above, the respondent Education Officer shall reconsider the proposal for approval as Shikshan Sevak from 01.07.2010 to 30.06.2013 and as an Assistant Teacher from 01.07.2013 with all consequential benefits. The Education Officer shall only consider about the

admissibility of the post. If the post is not admissible, then the Education Officer would be within his rights to grant approval from the date the post is admissible. The same shall be done expeditiously and preferably within a period of four (04) months. The petitioner can represent himself before the Education Officer.

6. Writ Petition accordingly disposed of. No costs.

(R. G. AVACHAT)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/November-18