

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

WRIT PETITION NO. 14211 OF 2017

Mohasin Khan Ismail Khan Pathan .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri V. D. Gunale, Advocate for the Petitioner.

Shri K. N. Lokhande, A.G.P. for Respondent Nos. 1 and 2.

Shri A. N. Sabanis, Advocate for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.**

DATE : 24TH JULY, 2018.

FINAL ORDER :

. Heard the learned counsel for the petitioner, the learned counsel for the respondent/institution and the learned Assistant Government Pleader for respondent Nos. 1 and 2.

2. The petitioner claims that the petitioner is appointed on 01.01.2010 and his services as Shikshan Sevak are approved under order dated 21.10.2011. The subsequent proposal is also submitted seeking approval to the services of the petitioner as Assistant Teacher on completion of period of Shikshan Sevak. The respondents wrongly concluded that the earlier approval order was not granted and has rejected the same. According to

the petitioner, the petitioner was appointed in the year 2010 much prior to Government Resolution dated 02nd May, 2012. The proper procedure was followed. The approval was granted to the appointment of the petitioner as Shikshan Sevak in a camp.

3. The learned Assistant Government Pleader states that, the copy of approval order produced by the petitioner is never issued by the office of the respondent No. 2. The respondent No. 2 has not approved the services of the petitioner as Shikshan Sevak. The order is rightly passed.

4. Mr. Sabanis, the learned counsel for the respondent/institution submits that, the institution is in receipt of the original order of approval granted to the appointment of the petitioner as Shikshan Sevak. The proposal was submitted by the institution. The same was granted in the camp.

5. There are rival contentions with regard to the order of approval in favour of the petitioner as Shikshan Sevak. The supporting evidence is also not available. We had asked for the salary bills being submitted as, if the approval is granted, then it is the Government, who would pay the honorarium. No such evidence is coming forth. In absence of any such evidence, it would be unsafe to rely upon the approval order produced on record.

6. To avoid rigmarole and to resolve the anomalous situation, we pass following order.

7. The institution shall submit the fresh proposal along with all the attending documents seeking approval to the appointment of the petitioner as a Shikshan Sevak and Assistant Teacher. On receipt of said proposal the Education Officer shall consider all the relevant aspects of the matter that is due adherence to the procedure as prescribed. Thereafter pass the orders afresh. The petitioner and the institution, if they so desire, may represent themselves before the Education Officer. After receipt of the proposal from the institution, the Education Officer shall decide the same expeditiously and preferably within a period of six (06) months from the date of receipt of the proposal. The writ petition is disposed of. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 18

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