

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 432 OF 2015

Pandav Sanjay Baburao .. **Petitioner**
Versus
The State of Maharashtra and others.. **Respondents**

Shri Ankush N. Nagargoje, Advocate for the Petitioner.
Shri N. T. Bhagat, A.G.P. for Respondent Nos. 1 and 2.
Shri Sambhaji S. Tope, Advocate for Respondent No. 3.
Shri V. U. Pawar, Advocate for Respondent No. 4.

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

DATE : **12th July, 2018**

PER COURT :

1. It is the case of the petitioner that the petitioner is appointed on 25th May, 2002, under the appointment order issued by the institution. The proposal was submitted seeking approval to the appointment of the petitioner. It is rejected on the ground that there is one vacant post for special teacher and the appeal is filed by one special teacher and that is pending with the Regional Deputy Commissioner.

2. Mr. Nagargoje, the learned counsel submits that the appeal filed by the special teacher is dismissed in the year - 2016.

3. The learned counsel for the institution submits that one post of special teacher is vacant on which the petitioner has been appointed.

4. Learned Assistant Government Pleader submits that as per the affidavit filed by respondent no. 3, the petitioner is not working at any of the schools of the institution.

5. At present, we are only concerned with the order of approval. The order rejecting the approval has been passed on the premise that there was one vacant post for special teacher and one special teacher has also filed an appeal and the same is pending with the Regional Deputy Commissioner. It is submitted by the counsel for the petitioner and the institution that the petition filed by the special teacher has been dismissed in the year - 2016, after the impugned

order rejecting the proposal seeking approval to the appointment of the petitioner is passed.

6. Considering the above, the impugned order is quashed and set aside. The petitioner and the institution may represent themselves before respondent no. 3 and bring all the facts to the notice of respondent no. 3. The petitioner and the institution may appear before respondent no. 3 on 31st July, 2018. Respondent no. 3 shall thereafter decide the proposal submitted seeking approval to the appointment of special teacher afresh, on its own merits, in accordance with law, expeditiously and preferably within three (3) months from the date of appearance.

7. Writ Petition accordingly stands disposed of.
No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

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