

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

WRIT PETITION NO.13775 OF 2017

Santosh Bapurao Meshram
Age 30 years, occu.Assisstant Teacher
in Dr.Babasaheb Ambedkar
Vidyalaya Sahu Nagar
Tq. and Dist.Beed.

.. PETITIONER

VERSUS

1]The State of Maharashtra
through it's Secretary,
School and Education Department
Mantralaya,Mumbai-400 032.

2]The Education Officer,
(Secondary)
Zilla Parishad,
Tq. & Dist.Beed.

3]Anadmagasvargiya Shikshan
Prasarak Mandal, Beed
At Beed.
Tq.& Dist.Beed
through it's Secretary.

4]The Head Master
Dr.Babasaheb Ambedkar Vidyalaya
At Sahunagar,Pangri Road
Tq. and Dist.Beed.

RESPONDENTS

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Adv.Mr.S.R.Kolhare, for petitioner
AGP Mr.S.Y.Mahajan for respondents no.1 and 2
Adv.Mr.R.O.Awasarmol, for respondents no.3 and 4.

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

DATE : 13/12/2018

ORAL JUDGMENT [PER PRASANNA B VARALE,J.] :

Rule. Rule is made returnable forthwith. Heard learned counsel appearing for the parties. The Petition is taken up for final hearing with consent of the parties.

2] The petitioner challenged the order dated 3/10/2017 thereby rejecting the proposal for grant of approval raising ground that petitioner's appointment was in a ban period and the surplus teachers are not absorbed by the institute. It is a submission of the learned counsel that the petitioner was appointed on 31/12/2014 to teach Marathi subject and the petitioner is belonging to S.T. Category.

3] The learned counsel placing heavy reliance on the judgment of the Principal Seat by Division Bench (**Coram : B.R.Gavai and Riyaz I Chagla,JJ.**) in **Writ Petition No.8587/2016 and other connected Writ Petitions**, submitted that the very issue was for consideration before this Court and in various judgments of this Court, the Court could not find any favour with the authorities rejecting the proposal for grant of approval. It is also submitted by learned counsel for petitioner that in view of the decision of this Court in Writ Petition No. 8587/2016 and other connected Writ Petitions, the case of the

petitioner would fall in category “C”. There is merit in the submission of the learned counsel and the learned counsel made out a case by submitting that the appointment of the petitioner is made by following due procedure and the case of the petitioner would fall in category “C” of the judgment of this Court in Writ Petition No.8587/2017 and other connected petitions.

4] Resultantly, Petition is allowed in terms of prayer clause “B”. Rule is made absolute in above terms.

(MANGESH S. PATIL,J.)

(PRASANNA B. VARALE,J.)

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