

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13511 OF 2017

Dnyaneshwar Namdeo Lakde

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Sharad V. Natu, Advocate for the Petitioner.

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

Shri Sushant V. Dixit, Advocate for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 18th April, 2018

PER COURT :

1. We have heard the learned counsel for respective parties and the learned Assistant Government Pleader.

2. The appointment of the petitioner as a part time Assistant Teacher since 10.6.2008 is approved by the Education Officer under order dated 1.12.2008. Subsequently, in the year – 2014, petitioner came to be appointed as trained full time teacher. The proposal is rejected on the ground of Section 5 of The

Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (hereinafter referred to 'MEPS Act').

3. It is the matter of record that the petitioner was working as a part time Assistant Teacher and he has worked as part time Assistant Teacher for six years and thereafter, according to the management the post became available for full time teacher and the petitioner is being appointed as an Assistant Teacher on the full time post.

4. It is not that the petitioner is a new entrant to the school. He was working as a approved part time teacher since 10th June, 2008. Of course, the Education Officer will have to consider the availability of the post and the roster while considering the approval, however, could not have rejected on the ground of Section 5 of the MEPS Act.

5. In the light of above, the impugned order is quashed and set aside. The Education Officer shall re-consider the proposal seeking approval to the appointment of the petitioner as full time

trained teacher on its own merits and shall not reject it on the ground on which the impugned order is passed. So also, consider the order dated August 10, 2017, passed by this court in Writ Petition No. 11657 of 2016. The said proposal be considered expeditiously and preferably within four (4) months.

6. The writ petition accordingly stands disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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