

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

WRIT PETITION NO. 13661 OF 2017

Gajanan Balaji Damkondwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Manoj Dond Patil, Advocate h/f Shri C. K. Shinde, Advocate
for the Petitioner.

Shri A. S. Shinde, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 22ND FEBRUARY, 2018.

FINAL ORDER :

. The petitioner assails the order dated 13th January, 2017 passed by the authority to the extent that approval is granted from the date of order passed in Writ Petition No. 2174 of 2015 and not from the date of initial appointment.

2. We have heard the learned counsel for the petitioner and the learned Assistant Government Pleader for respondent Nos. 1 to 3.

3. The petitioner had approached this Court by filing Writ Petition No. 2174 of 2015 as the petitioner was not granted

approval as the post was meant for reserved category. While disposing the writ petition under order dated 19th September, 2016, we had observed that, the petitioner was appointed as against the post meant for S.T. category. However, no such candidate was available and every year the petitioner was selected and appointed on the said post. Consistently at least for five times, the management had issued advertisement for filling post of teacher from the candidate belonging to S.T. category, but management could not get any eligible candidate from the S.T. category.

4. Considering the said aspect, we had directed the respondent No. 2 therein to consider aspect about grant of approval to the appointment of the petitioner as teacher (M.L.T.) on permanent basis.

5. The authority pursuant to the aforesaid order has granted approval to the appointment of the petitioner from the date of order passed in the writ petition and not from the date of initial appointment of the petitioner. The initial appointment of the petitioner is required to be considered.

6. In the light of the above, impugned order is quashed and set aside to the extent that the petitioner is given approval from 19.09.2016. The authority shall grant approval to the

appointment of the petitioner from the initial date of appointment. With these observations, the writ petition is accordingly disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Feb. 18