

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

WRIT PETITION NO. 2258 OF 2017

Smt.Vandana w/o Rajendra Jadhav	... Petitioner
Versus	
The State of Maharashtra and Ors.	...Respondents

Mr.S.R.Barlinge, Advocate for Petitioner
Mr.A.V.Deshmukh, A.G.P. for Respondent No. 1 to 3
Mr.A.R.Lukne, Advocate h/f Mr.D.K. Rajput, Advocate for
Respondent No.4
Mr.S.D.Dhongde, Advocate for Respondent No.5

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

DATE: APRIL 26, 2018

PER COURT :

1. The petitioner seeks direction against the respondent to release salary of the petitioner from 3rd November, 2014 and to grant permanent approval to the appointment of the petitioner.

2. Mr.Barlinge, learned counsel submits that the petitioner was appointed as a Peon with respondent-institution on 2nd July, 2012 on compassionate ground and since then, he is in continuous service with the respondent-institution. The appointment of the petitioner is also approved under the orders of the Education Officer (Primary) dated 20th July, 2012 for the period of three years. The learned counsel submits that the petitioner has completed

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his probation period of three years and has become deemed permanent. The proposal is submitted by the respondent-institution seeking continuation and permanent approval. The same is not yet decided and salary is also not released from November, 2014. The learned A.G.P. submits that the Education Officer (Primary) had communicated with the Director of Education (Primary) as to whether continuation can be granted to the petitioner. The Director of Education under its letter dated 25th April, 2018 communicated to the Education Officer (Primary) to consider the vacancy as was available on the date of appointment of the petitioner and shall take decision accordingly.

3. The approval is already granted to the appointment of the petitioner as a Peon for the period of three years from 2nd July, 2012 to 1st July, 2015 on honorarium of Rs.1,700/- per month. According to the petitioner, on completion of three years, the petitioner is deemed permanent and the institution has also forwarded proposal seeking permanent approval.

4. Now, the Director of Education has also communicated the Education Officer to consider the staffing pattern as applicable on the date of appointment of the petitioner and

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thereafter, consider the proposal of the petitioner for grant of permanent approval.

5. The Education Officer shall decide the proposal in tune with the communication of Director of Education dated 25th April, 2018. It shall not reject the proposal on the basis of the Government Resolution dated 27th June, 2016 as the appointment of the petitioner is even prior to the Government Resolution dated 13th December, 2013.

6. The same be considered preferably within three months.

7. The management/institution shall submit the salary bills of the petitioner since November, 2014 within a period of six weeks from today to the Education Officer. The Education Officer shall process the salary bills in tune with the order that would be passed on the proposal seeking permanent approval to the appointment of the petitioner.

8. With these directions, the writ petition is disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)