

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

BENCH AT AURANGABAD.

WRIT PETITION NO.175 OF 2017

Smt.Pradnya Sakharam Ingale ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...
Mr.C.K.Shinde, advocate for the petitioner.
Mr.S.G.Karlekar, A.G.P. for the State.
Mr.Manoj A.Dond, advocate for Respondent Nos.5
and 6.

...

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

Date : 12.03.2018.

PER COURT :

1. The petitioner is terminated on the ground that his services could not be approved. The appeal filed by the petitioner before the School Tribunal is dismissed basically on the ground that the petitioner was a probationer.

2. The Tribunal it appears was not assisted with the production of the relevant

Government Resolution regarding absorption of even Shikshan Sevak. Even whether the order of approval was properly passed or not being the ancillary could have been considered by the Tribunal in view of the judgment of the Division Bench of this Court in the case of **"Arti Vithalrao Warkhede Vs. Education Officer (Secondary) and others"** reported in **2011 (1) Mh.L.J.638.**

3. In light of the above, we set aside the judgment of the Tribunal and relegate the parties before the Tribunal. The parties shall appear before the Tribunal on 27.3.2018. The Tribunal shall consider the relevant Government Resolutions that would be pointed out by the petitioner with regard to even absorption of surplus Shikshan Sevak and whether the grant of approval has not been properly considered. The petitioner is entitled to produce additional evidence before the School Tribunal.

4. With these observations the Writ

Petition is disposed of. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

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