

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14730 OF 2017

Pravin Vitthal More .. **Petitioner**
Versus
The State of Maharashtra and others.. **Respondents**

Shri V. S. Panpatte, Advocate for the Petitioner.
Shri P. K. Lakhotiya, A.G.P. for Respondent Nos. 1 to 4.
Shri Harish S. Bali, Advocate for Respondent Nos. 5 and 6.

CORAM: S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.

DATE: 7th August, 2018

PER COURT :

1. Mr. Panpatte, learned counsel for the petitioner submits that the present petition is filed for modification of the order passed by the Education Officer. The approval has been granted to the appointment of the petitioner from 19.11.2013 to 18.11.2016 as a 'Shikshan Sevak'. The appointment of the petitioner is of 29.11.2012. The approval ought to have been granted from the date of appointment and the petitioner after completion of the three years is deemed to be an 'Assistant Teacher'.

2. The learned A.G.P. submits that, it appears that the petitioner is appointed as a 'Shikshan Sevak' from 29.11.2012 to 28.11.2015, however, the case of the petitioner is referred to the Deputy Director of Education as some irregularities are found.

3. In the present matter, we are only concerned with the order of approval granted by the Education Officer and not the further proceedings before the Deputy Director of Education. It is for the Deputy Director of Education to consider matter before it on its own merits and as may be permissible.

4. The Education Officer has admitted that the petitioner is appointed as a 'Shikshan Sevak' for the period 29.11.2012 to 28.11.2015. In view of that, when approval has been granted the same ought to be granted from the date of appointment.

5. The respondent – Education Officer shall modify order granting approval to the appointment

of the petitioner and grant approval as a 'Shikshan Sevak' from 29.11.2012 to 28.11.2015. The proposal as an 'Assistant Teacher' is also submitted by the institution on 22.02.2017. The Education Officer shall take decision upon it on its own merits, in accordance with law, expeditiously and preferably within a period of four (4) months. The institution has submitted the salary bills, the same shall be processed by the Education Officer during the said period.

6. Writ Petition accordingly stands disposed of.

No costs.

[SUNIL K. KOTWAL, J.] [S. V. GANGAPURWALA, J.]

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