

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5034 OF 2017

Sou.Rohini Pankaj Dighe ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Mr.Prashant Bhavke for the Petitioner.

Mr.S.B. Kale, AGP for Respondent-State.

Mr.Umesh Pawar for Respondent Nos.6 & 7.

**CORAM : B.R. GAVAI &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 18th APRIL 2018

P.C.

1. Rule. Rule is made returnable forthwith.

2. Heard by consent.

3. The petitioner has approached this Court being aggrieved by the rejection of the approval on the ground of Government Resolution dated 02nd May 2012.

4. This Court in Writ Petition No.2024 of 2017 has decided

similar issue on 23rd February 2018. In paragraph 3 of the said order it is observed as under:-

“3. The issue is no more res intergra. The Division Bench of this Court vide its judgment and order dated 10th July 2017 in Writ Petition No.8587 of 2016 along with connected matters, in paragraph no.9 has held thus :-

9. In the result the Writ Petitions are allowed and impugned orders are quashed and set aside. The respondents-Education Officers are directed to examine independent cases and grant approval to each of the teachers who fall in the following three categories:-

(a): where the recruitment process is already commenced prior to GR dated 02nd May 2012.

(b): where the appointments made for filling up vacancies in English, Mathematics and Science;

(c): where the recruitment is made to fulfill the backlog of reserve categories candidates.”

4. On the perusal material placed on record it is revealed that the petitioner was appointed for teaching subject of the mathematics and science and as such he is covered by category-B of the aforesaid order. In that view of the matter the petition is allowed. The impugned order is quashed and set aside. The respondent is directed to grant approval to the appointment of the

petitioner as Shikshan Sevak with effect from 01st July 2015. The petitioner is entitled to be absorbed in the post of Assistant Teacher upon completion of period of three years as a Shikshan Sevak. The arrears of the salary be paid within a period of three months from today.

5. Rule is made absolute in the aforesaid terms.

(SMT.BHARATI H. DANGRE, J.)

(B.R. GAVAI, J.)