

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

WRIT PETITION NO.1542 OF 2018

Deepali Nanaso Patil ...Petitioner
V/s.
The State of Maharashtra
Through The Additional Govt. Pleader
& Ors. ...Respondents

Mrs.Ranjana Todankar for the Petitioner.

Mr.S.B. Kalel, AGP for Respondent Nos.1 to 3.

Ms.Manisha Devkar for Respondent No.4-Management.

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

DATE : 26th APRIL 2018

P.C.

1. Rule. Rule made returnable forthwith. Heard by consent.

2. The petitioner has approached this Court being aggrieved by the refusal of approval to the appointment of various teachers appointed by the petitioner.

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 2nd 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. The perusal of the material placed on record it reveals that the petitioner was appointed to teach English subject. However, the learned AGP states that though there was a backlog of reserved category candidate the petitioner who is belonged to the open category she has to be appointed. It is therefore submitted her application is rejected.

5. Perusal of the advertisement reveals that post of the English is not reserved for any category. Not only that but the roster

verified by the competent authority itself would reveal that one post of open category was available with the school on the date of which the appointment was made. In that view of the matter the petitioners case squarely falls under the category-(b) of the order passed by this Court.

6. The respondent-Education Officer is therefore directed to grant approval to the appointment of the respondent as Shikshan Sevak with effect from 20th June 2018 on completion of three years of period as Shikshan Sevak, Education Officer shall grant approval to the petitioner as Assistant Teacher. The regular salary paid to the petitioner from the month of 01st July 2018. The arrears shall be paid within six months from today.

(SMT.BHARATI H. DANGRE, J.)

(B.R. GAVAI, J.)