

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

WRIT PETITION NO.6731 OF 2017

Shaikh Jalit Hasan

..Petitioner

Versus

The State of Maharashtra and others

..Respondents

Mr. Pranita P. Hingmire, Advocate for the Petitioner.

**Mrs. Shruti D. Vyas, "B" Panel counsel for the Respondent Nos.1
& 2 - State.**

**Mr. M. G. Bagkar, Advocate for the Respondent Nos.3 & 4 -
Management.**

CORAM : B. R. GAVAI &

M. S. KARNIK, JJ.

DATE : 6th SEPTEMBER, 2018

P.C.

1] The Petitioner has approached this Court being aggrieved by the refusal to grant approval to the appointment of Petitioner as Shikshan Sevak.

2] After the vacancy arose in the Respondent No.4 school under the management of Respondent No.3, Respondent Nos.3 and 4 addressed a communication to the Respondent No.2 – Education Officer seeking permission to fill up the post of English teacher (physical). The requisite qualification for the said post was B.A.

B.Ed. and in response to the said, the Petitioner came to be appointed vide order dated 17th June 2013. However, the approval came to be rejected. Hence, the present Petition.

3] The Petition is vehemently opposed by the learned AGP for the Respondent – State. It is submitted that the approval is rightly refused to the Petitioner in view of the Government Resolution dated 2nd May 2012.

4] The Division Bench of this Court, to which one of us (B. R. Gavai, J) was a party, had an occasion to consider the issue in a bunch of Petitions being Writ Petition No.8587 of 2016 with connected Writ Petitions. After considering the rival submissions, the Division Bench observed thus in its order dated 10th July 2017 :-

“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 fulfil the backlog of reserve categories candidates;”

5] Undisputedly, the Petitioner has been appointed to fill up the vacancy of teacher for the subject of English. In that view of the matter, the case of the present Petitioner is covered by the said judgment.

6] In the result, following order is passed :-

ORDER

I] The Petition is allowed.

II] The Respondent No.2 – Education Officer is directed to grant approval to the appointment of the Petitioner with effect from 17th June 2013 as Shikshan Sevak.

III] Needless to state that upon completion of two years period, the Petitioner shall be granted approval as Assistant Teacher.

IV] Needless to state that all the arrears, to which the
Petitioner is entitled, shall be cleared within a
period of six months from today.

Balaji
Govindrao
Panchal

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Balaji Govindrao
Panchal
Date: 2018.09.10
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[M. S. KARNIK, J.]

[B. R. GAVAI, J.]