IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11580 OF 2016

Ankush Bhagwat Waghulkar .. Petitioner
Versus
Vidya Prasarni Sabha through its Chairman C/off. Bharat English School and Ors. .. Respondents

Mr. S.V.Pitre for petitioner
Mr. R.S.Sawant, for respondent Nos. 1 and 2
Ms. Kavita N. Salunke, AGP for respondent No.3

Yogeshwar Bhalchandra Gokhale
Digitally signed by Yogeshwar Bhalchandra Gokhale
Date: 2018.10.24 19:43:54 -0400

CORAM : B.R.GAVAI , &
M.S.KARNIK, JJ

DATE : 22nd October 2018.

P.C.

Rule. Rule made returnable forthwith by consent.

2] In response to the orders passed by this Court dated 3rd May 2018, Mr. Sunil Kurhade, Education Officer, Primary, Z.P.Pune - respondent No.3 is personally present in court today. He has tendered his unconditional apology.

3] The issue is no more res integra. The Division Bench of

this Court vide its judgement 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 G.R. 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] Learned Counsel for the petitioner as well as respondent Nos. 1 and 2 stated that the school has already absorbed two surplus teachers. Insofar as the post on which the petitioner is appointed, it is submitted that though the surplus teacher belonged to that category are sought for, the Education Officer was sitting tight over the issue and neither granted the permission nor rejected the proposal. In that view of the matter, the management cannot be expected to sit idle and wait till the Education Officer wakes up from

his slumber and grants approval for filling up the post.

6] Undoubtedly, the petitioner belonged to O.B.C. category and as such covered by clauses carved out by order of this Court referred to hereinabove.

7] In the result, the petition is allowed. The Education Officer – respondent No.3 is directed to grant appointment to petitioner as Shikshan Sevak with effect from 1st February 2013 and further as Assistant Teacher from 1st February 2016. The same shall be done within a period of one week from today. The petitioner shall be paid salary from the month of November 2018 onwards. All arrears from 1st February 2013 till October 2018 be paid within six months from today.

8] Rule is thus made absolute. No costs. Petition is allowed and disposed of.

(M.S.KARNIK, J) (B.R.GAVAI, J.)