

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11966 OF 2017

Namdeo Laxman Wadane .. Petitioner
Versus
State of Maharashtra & Ors. .. Respondents

Mr. V.S.Khanavkar for petitioner
Mrs. Rupali Shinde, AGP for State
Mr. Suresh Awari, Education Officer, Secondary, Z.P.Raigad present.

CORAM : B.R. GAVAI &
B.P.COLABAWALLA, JJ

DATE : 20th February 2018

P.C.:

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

2] In the present matter, when, in spite of grant of several chances the respondent Education Officer did not respond, this court by an order dated 31st January 2018 directed him to remain personally present before this Court.

3] Today, Shri Suresh Awari, Education Officer (Secondary), Z.P., Raigad - respondent No.2, is present personally in the court and has tendered unconditional apology.

4] The division bench of this Court in W.P.No.8587 of 2016 (Smt.

Munoli Rajashri Karabasappa Vs. State of Maharashtra through Secretary & Ors.) along with companion petitions vide judgement and order dated 10th July 2017 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 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;

5] Undisputedly, the petitioner has been appointed to teach Maths and at present in addition to Maths he is also teaching Science subject. In that view of the matter, the present petition is squarely covered by the judgement and order of the Division Bench (supra).

6] The impugned order is, therefore, quashed and set aside. The respondent, Education Officer, is directed to grant approval to the appointment of the petitioner as Shikshan Sevak from 10th January 2014 and upon completion as such approval be also granted to his

appointment as Assistant teacher.

7] The petitioner shall be paid regular salary with effect from the month of April 2018 and all arrears from the date of approval till March 2018 be cleared within a period of three months from today.

8] Petition disposed of accordingly.

(B.P.COLABAWALLA, J)

(B.R.GAVAI, J.)