

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3564 OF 2019

LAXMI GANPAT RAJAGIRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner :
Mr. V. S. Panpatte h/f. Mr. Golewar V. P.
AGP for Respondents No. 1 & 2 : Mr. P. G. Borade
Advocate for Respondents No. 3 to 5 :
Mr. D. G. Nagode

...

CORAM: S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.

DATE: 01st OCTOBER, 2019

PER COURT:

1. The proposal seeking approval to the appointment of the petitioner is rejected.
2. We have heard the learned counsel for the petitioner and the learned A.G.P.
3. It appears that the petitioner was working since the year 2002. The approvals were rejected from time to time. The approval is rejected in the year 2005, the order is not challenged. The

proposal was sought to be sent again. The Education Officer observed that no vacant post exists for the year 2008 - 2009. The petitioner approached this Court by filing Writ Petition No. 11574 of 2015. In the said writ petition, the Education Officer was also a party. The management gave an undertaking that they would appoint the petitioner on vacant post of Assistant Teacher with effect from 31.05.2017. The statement was accepted.

4. It appears that the petitioner was working from the year - 2002. Earlier the proposal was rejected on the ground that the petitioner is a trained graduate teacher but the said post is not available.

5. Considering the long period the petitioner has worked, and that the Education Officer in the affidavit filed in Writ Petition No. 11574 of 2015 did not dispute that the petitioner was appointed. On equitable grounds, we pass the following order.

6. The impugned order is quashed and set aside. The Education Officer shall reconsider the proposal of the petitioner for approval from 01.06.2017, considering the long standing services rendered by the petitioner, however, if the Education Officer grants approval, the same would be from 15.06.2017. The earlier services may not enure to the benefit of the petitioner. The proposal shall not be rejected on the ground of Government Resolution dated 02.05.2012 and / or 23.06.2017. The Education Officer shall only consider about the existence of the post for Assistant Teacher and the roster. The said decision shall be taken expeditiously and preferably within a period of four (04) months.

7. Writ Petition stands disposed of accordingly.
No costs.

[ANIL S. KILOR, J.] [S. V. GANGAPURWALA, J.]

marathe