

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4415 OF 2018

Machindra Shivdas Lokhande
and others.

... **Petitioners**

VERSUS

The State of Maharashtra
and others

. ... **Respondents.**

...

Advocate for the petitioner : Mr. Rajendra L. Kute.

A.G.P. for the respondents No. 1 & 2 : Mr.S.B. Yawalkar.

Advocate for respondent No. 5 : Mr. Bedre Vinayak Sudharkar.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 08/07/2019

PER COURT :

1. Mr. Kute, learned counsel for petitioners submits that the respondent No. 5 is filling the post of teachers from Social Science subjects and language subjects, however not from the science subjects. The petitioners possess D.Ed. qualification, after 12th standard in science subjects. The learned counsel for petitioners relies on the government resolution dated 13.10.2016. According to learned counsel, the respondents are required to abide by the said government resolution. According to learned counsel, two posts are vacant for science subjects.

2. Mr. Bedre, learned counsel submits that, State has the authority to sanction the staffing pattern. The appointing authority is the

respondent No. 5. It is the respondent No. 5, who appoints the petitioners.

3. Mr. Bedre, learned counsel, does not dispute that the government resolution dated 13.10.2016 is applicable and that the respondent No. 5 follows the same. According to Mr. Bedre learned counsel, there is no post vacant.

4. It is contended that the petitioners have already sought permission from the respondent No. 5 to complete the graduation from the Open University and the respondent No. 5 had accorded permission to petitioners.

5. In view of that, Clause 6 of the government resolution dated 13.10.2016 would apply.

6. The respondents certainly would abide by the government resolution dated 13.10.2016 and such other government resolutions that may be issued from time to time.

7. With these observations, the writ petition is disposed of. No costs.

(MANGESH S. PATIL, J.)

(S. V. GANGAPURWALA, J.)

mkd