

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4452 OF 2018

Anurath s/o Marotrao Kale ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. V.S. Panpatte, Advocate for Petitioner
Mr. K.B. Jadhavar, Assistant Government Pleader for
Respondent Nos. 1 and 2

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 18th FEBRUARY, 2019

ORAL ORDER:

1. The petitioner challenges the order of approval only to the extent of the pay scale. The petitioner was transferred from Secondary School to Higher Secondary School in September, 2015. While granting approval to his appointment, the petitioner was given pay scale of secondary teacher. The reliance was placed on the Government Resolution date 15.09.2011.

2. We had considered the said Government Resolution while delivering the Judgment dated 16th April, 2018 in Writ Petition No. 12417/2015, and it was held that the said clauses in the Government Resolution would apply to the appointments made by the

nominations and not by transfer from secondary to higher secondary.

3. The petitioner would be covered by Sub Rule 5 of Rule 41 of M.E.P.S. Rules.

4. In the light of the above, the impugned order passed by the Deputy Director of Education to the extent of salary is quashed and set aside.

5. The Deputy Director of Education shall reconsider the proposal of the petitioner to the extent of pay scale in tune with clause (b) of Sub-Rule 5 of Rule 41 of M.E.P.S. Rules. The same shall be decided expeditiously and preferably within a period of four months from today. The Government Resolution dated 15.09.2011 is not relevant for consideration to the case of the petitioner.

6. The writ petition is disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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