IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10920 OF 2016

Meraj Fatema Ali Choush .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri M. P. Tripathi, Advocate for the Petitioner.
Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 and 2.
Shri V. S. Panpatte, Advocate for the Respondent No. 4.
Shri S. R. Chaukidar, Advocate for the Respondent No. 5.

CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALE, JJ.
DATE : 14TH JANUARY, 2019.

FINAL ORDER :

. The petitioner has been granted approval on grant in aid post with effect from 01.01.2017. The respondent No. 5 has been granted approval on grant in aid post from 31.05.2013. The petitioner claims that the petitioner should have been granted approval on the grant in aid post with effect from 31.05.2014. The said statement is made in alternate. He further submits that, in fact, the petitioner is entitled for approval since the year 2013.

2. Mr. Panpatte, the learned counsel submits that, as and

when vacancy had arisen and as per the seniority proposal of the petitioner was moved by the institution. Approval is granted from the year 2017 to the petitioner on grant in aid post.

3. We have also heard Mr. Choukidar, the learned counsel for the respondent No. 5.

4. The aspect of approval on a grant in aid post vis-a-vis the parties would depend upon the seniority. The Education Officer is a proper person to take decision with regard to the seniority list.

5. The dispute raised by the parties with regard to the orders of approval, the same will depend upon seniority of the respective parties. The seniority list is placed on record. It does not appear that the said seniority list was subject matter of consideration before the Education Officer so as to consider the proposals for approval in favour of a particular person.

6. In the result, it would be appropriate for the Education Officer to consider the seniority list and then decide the dispute raised by the petitioner and any other party with regard to their rights to be approved on grant in aid post.

7. The parties shall appear before the Education Officer on

04th February, 2019. The Education Officer shall after hearing the parties take decision with regard to the seniority list and, thereafter, shall consider the aspect of approval to the appointments of the parties on grant in aid post in accordance with law, so also with regard to the approval of the respective dates from which they are entitled to be approved on grant in aid post.

8, The writ petition accordingly is disposed of. No costs.

[A. M. DHAVALE, J.] **[S. V. GANGAPURWALA, J.]**

bsb/Jan. 19