

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3254 OF 2019

Somanath Chandrakant Awasare	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

Mr. U. H. Pawar, Advocate for the Petitioner.

Mrs. R. M. Shinde, AGP for Respondent Nos.1 to 5.

Mr. Prashant Bhavake, Advocate for Respondent Nos.6 & 7.

**CORAM : B. R. GAVAI &
DAMA SESHADRI NAIDU, JJ.
DATE : 18th APRIL 2019**

P.C.

1] The Petitioner, who is a teacher, has filed this Writ
Petition seeking following reliefs :-

- “(a) Rule Nisi be issued and record and proceedings be called for;
- (b) By a suitable Writ, Order or direction, this Hon'ble Court be pleased to quash and set aside the impugned order dated 1.01.2019 bearing Outward No.SANZIP/MASHIVI/MANYATA/7/2019 issued by the Respondent No.5 – Education Officer thereby rejecting the proposal for individual approval to the appointment of the Petitioner in the post of Shikshan Sevak at Respondent No.7 – Secondary School and accordingly, be pleased to further direct the Respondent No.5 – Education Officer to grant individual approval to the

appointment of the Petitioner in the post of Shikshan Sevak with effect from 1.09.2012 at Respondent No.7 – Secondary School run by the Respondent No.6 – Educational Institution and accordingly release entire arrears of salary/honorarium payable to Petitioner and also pay current salary/honorarium Petitioner;

- (c) Pending the hearing and final disposal of the present Writ Petition, this Hon'ble Court be pleased to direct the Respondents not to absorb any other teacher in the post of Shikshan Sevak which is already occupied by the Petitioner at the Respondent No.7 – Secondary School run by the Respondent No.6 – Educational Institution;
- (d) Pending the hearing and final disposal of the present Writ Petition, this Hon'ble Court be pleased to direct the Respondent No. 5- Education Officer to provisionally grant/accept proposal submitted by Petitioner No.6 – Educational Institution and Respondent No.7 – Secondary School seeking individual approval to the appointment of the Petitioner in the post of Shikshan Sevak at the Petitioner No.7 – Secondary School and accordingly be pleased to further direct the Respondent No.5 – Education Officer to forthwith release current honorarium/salary payable to Petitioner No.3 with its all arrears.
- (e) Ad-interim reliefs in terms of prayer clause (c) and (d) hereinabove, be granted to the Petitioner;
- (f) Cost of this Petition be allowed;
- (g) Such other and further reliefs as this Hon'ble Court deems fit and proper in the facts and circumstances of the case be granted in favour of the Petitioner.”

2] The Petitioner's counsel brings to our notice a judgment dated 10th July 2017 in Writ Petition No.8587 of 2016 and connected Writ Petitions. According to him, the issue raised in this Writ Petition stands covered by the Division Bench judgment. The Respondents' counsel does not dispute it.

3] We accordingly dispose of the Writ Petition applying the ratio in judgment dated 10th July 2017 in Writ Petition No.8587 of 2016 and connected Writ Petitions. Rule is accordingly made absolute in terms of prayer clause (b).

[DAMA SESHADRI NAIDU, J.]

[B. R. GAVAI, J.]