

Rane

1/3 WP-3331-2019 &
WP-9037-2018 (sr.908)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3331 OF 2019

Mrs. Vidya Vishnu Raut V/s. The State of Maharashtra, thru. Secretary, Dept. of Education (Secondary and Higher), Mantralaya	Petitioner Respondent
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ALONGWITH

WRIT PETITION NO. 9037 OF 2018

Mr. Govinda Sahebrao Kale V/s. The State of Maharashtra & Ors.	Petitioner Respondents
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Mr. A.A. Joshi, Advocate for the petitioner.

Mrs. S.D. Vyas, 'B Panel Counsel' for respondents no.1 to 3.

Mr. Lalasaheb Bandal h/f. Mr. Vilas Tapkir, Advocate for respondents no.4 and 5.

CORAM : B.R. GAVAI, &

SANDEEP K. SHINDE, JJ.

Thursday, 25th April, 2019.

ORAL JUDGMENT (PER : B.R. GAVAI, J) :

1. Rule. Rule made returnable forthwith. Heard finally by consent of parties.

2. No doubt that, vide GR dated 2nd May, 2012, the State has imposed a ban on recruitment of Assistant Teacher till there is 100% absorption of the surplus teachers. However, it is to be noted that vide subsequent GR dated 4th September 2013 itself, the ban has been relaxed in so far as subjects of English, Maths and Science are concerned.

3. The relevant material placed on record would reveal that, insofar as, the petitioner in Writ Petition No. 9037 of 2018 is concerned, his appointment is against the post reserved for Vimukta Jati and insofar as Writ Petition No.3331 of 2019 is concerned, her appointment is against the post reserved for OBC. As such both the petitions are covered by the view taken by this Court in its judgment

dated 10th July, 2017 passed in Writ Petition No. 4322 of 2017 (**Smt. Munoli Rajashri Karabasappa Versus. State of Maharashtra, Thru. Secretary and Ors.**).

4. In the result, the impugned order dated 31st May, 2018 is quashed and set aside. The respondents are directed to grant approval to the appointment of the petitioner from the date of their appointment as Shikshan Sevak for three years and thereafter as Assistant Teachers. The respondents are further directed to pay the petitioners regular salary from the month of July, 2019 and to pay all the arrears of the salary from the date of the appointment of the petitioner till June, 2019 within a period of three months from today.

5. Rule is made absolute accordingly with no order as to costs.

(SANDEEP K. SHINDE, J)

(B.R. GAVAI, J)