

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

76 WRIT PETITION NO.2701 OF 2019

ASHOK BAJIRAO CHEMATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr Dighe Vithal H.
AGP for Respondents State: Mr P G Borade
Advocate for Respondents No.4 : Mr S B Wagh

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 20th January, 2020

ORDER:

1. The proposal seeking approval to the appointment of the petitioner as full-time assistant teacher is rejected. The same basically appears to have been rejected on the basis of Government Resolution dated 2nd May, 2012 and further that the petitioner's appointment as part timer was not approved.
2. It is not disputed by the learned counsel for the petitioner and the institution that the proposal seeking approval to the appointment of the petitioner as part-timer was never sent to the Education Officer. In that event the Education Officer was right in observing about non grant of approval on the ground that petitioner's part time appointment is also not approved. Learned counsel for the petitioner submits that the Institution would forward the proposal seeking approval to the appointment of the petitioner as part time Assistant Teacher.
3. The Circular dated 31.01.2001 permits a person working as part time employee to be considered as full time, if full time post becomes available.

4. In light of above, the impugned order is quashed and set aside. The Institution may forward the proposal seeking approval to the appointment of the petitioner as part time Assistant Teacher.
5. The Education officer shall consider the proposal that would be forwarded to him by the institution seeking approval to the appointment of the petitioner as part time Assistant Teacher and also the proposal submitted to it for approval as full time Assistant Teacher. The said proposal shall be considered in the light of Circular dated 31.01.2001 and shall not be rejected only on the ground that there was ban on recruitment.
6. Writ petition accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC