

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2320 OF 2020

Sanjay Parashuram Ghorpade.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. Prashant Bhavake for the Petitioner.

Mr. P. G. Sawant, AGP for Respondent No. 1 to 4.

Coram : R. K. DESHPANDE, &
PRITHVIRAJ K. CHAVAN, JJ.

Date : **March 12, 2020.**

P. C. :

1. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the respective parties.

2. The Petitioner was appointed as an assistant teacher on part time basis from 16th June 1997 and thereafter he was appointed on regular basis as full time teacher from 15th June 2011. The approval was granted by the Education Officer on 15th May 2015. However, it is with effect from 11th June 2014. The claim of the Petitioner is that approval should have been granted from the date of appointment, i.e., 15th June 2011.

3. Notice was issued to the Respondents. Respondent Nos.1 to 4 have filed reply in which the stand is taken that there was no vacancy for the open category candidate and the appointment of the Petitioner was from the open category and was then excess.

4. Our attention is invited to the roaster at page no. 109 to point out that there was a post for open category lying vacant on the date when the Petitioner was appointed. This aspect has not been considered by the Respondents. It is further stand of the Respondents that representation dated 7th April 2018 made by the management is still pending with the Deputy Director of Education. The same needs to be decided in accordance with law.

5. In the result, writ petition is **allowed**. The order dated 15th May 2015 to the extent it rejects the claim of the Petitioner for grant of approval with effect from 15th June 2011 is hereby quashed and set aside. The approval granted from 11th June 2014 is maintained. However, the Respondents are directed to consider the claim of the Petitioner for grant of approval from 15th June 2011 upon verification of the roaster furnished. This exercise be done within the period of two months from today.

6. Rule is made absolute in the aforestated terms.

[PRITHVIRAJ K. CHAVAN, J.]

[R. K. DESHPANDE, J.]