

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 WRIT PETITION NO.1975 OF 2021

DNYANESHWAR NAMDEO LAKDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner: Mr. Natu Sharad V.
AGP for respondents/State: Mr. K. N. Lokhande

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

DATE : 2nd February, 2021

ORDER:

1. Learned A.G.P. accepts notice for respondent Nos. 1 and 2.
2. The petitioner is appointed as part time Assistant Teacher on or about 10.06.2005. The said appointment is approved by the Education Officer under order dated 01.12.2008. Subsequently, the petitioner is appointed as trained full time teacher on 30.12.2014. The Education Officer has approved the appointment of the petitioner as full-time teacher with effect from 01.11.2014, however, has directed the management to pay salary from 01.11.2014 till 17.04.2018, i.e. the date on which the order is passed by this Court in earlier petition filed by the petitioner bearing Writ Petition No. 13511/2017. The same is assailed by the management.
3. Mr. Natu, the learned counsel submits that on 01.11.2014, the petitioner was appointed as full-time teacher on 100% grant-in-aid post.
4. We have heard the learned A.G.P.

5. Once approval is granted by the Education Officer to the appointment of the petitioner w.e.f. 01.11.2014 and if the petitioner is working from 01.11.2014 on full time post, then certainly, salary also ought to be paid from 100% grant-in-aid. the Education Officer could not have said that till 17.04.2018, the salary should be borne by the management.

6. In light of the above, the impugned order to the extent of salary to be borne by the management from 01.11.2014 to 17.04.2018 is quashed and set aside.

7. In case the petitioner is appointed on 100% grant-in-aid posts as full time teacher from 01.11.2014, then salary should be paid on 100% grant in aid basis.

8. The Education officer shall affirm the factum of the petitioner appointed on 100% grant-in-aid on 01.11.2014 and if the petitioner is appointed on 100% grant-in-aid from 01.11.2014, then the petitioner would be entitled for the salary from 01.11.2014 on 100% grant-in-aid.

9. The said decisions shall be taken by the Education Officer within one month.

10. Writ petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC