

Anand

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

WRIT PETITION NO. 3703 OF 2018

Shankar Nagnath Kamble

.Petitioner

Vs.

**ShubhaS.
Pathak**

The State of Maharashtra & ors.

.Respondents

Mr. S. A. Rajeshirke, Advocate, for the Petitioner

Mrs. S. S. Bhende, AGP, for the Respondent No. 1 - State

Mr. Vijay Killedar, Advocate, for the Respondent No. 2

Mr. Shrishail Sakhare, Advocate, for the Respondent Nos. 3 & 4

Digitally signed
by ShubhaS.
Pathak

Date:
2021.03.01
11:21:27 +0530

**CORAM : S. C. GUPTE &
SURENDRA P. TAVADE, JJ.**

DATE : 17 FEBRUARY 2021

P. C.

. The subject matter of controversy in the present Petition concerns revocation of approval granted by the Education officer to the appointment of the Petitioner as “Shikshan Sevak” and thereafter, as a Regular Assistant Teacher after completion of probationary period. After approval to the appointment, by the impugned order dated 1 March 2017, the Education officer reviewed his own earlier order and revoked the approval. It is not contested by learned counsel for Respondent No. 2 for the Education officer (Primary) that the Education officer has no power to review his own order, as held by this Court in a number of cases. Learned counsel, however, submits that as in those cases liberty may be given to the Education officer to issue Show Cause Notice and forward the papers to the Deputy Director of Education for necessary action. Though the Education officer deserves

the liberty prayed for, the impugned order of revocation of approval must go and in that case, the Petitioner's status as "Assistant Teacher" with approval of Education Authority must be restored and his salary including arrears needs to be paid.

2. Accordingly, the Petition is disposed of. The impugned order of revocation of approval passed by Respondent No. 2 dated 1 March 2017 is quashed and set aside. Respondent No. 2 is directed to disburse and make payment of arrears of salary to the Petitioner and continue to pay such salary thereafter. Respondent No. 2 will have liberty to issue Show Cause Notice and forward the papers to the Deputy Director of Education for passing appropriate orders after hearing the parties. To enable him to do so, no coercive steps shall be taken against Respondent No. 2 in pursuance of the present order for a period of six weeks from today.

(SURENDRA P. TAVADE, J.)

(S.C.GUPTA, J.)