

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

WRIT PETITION NO. 5331 OF 2019

Mr. Bharatkumar Shivaji Jadhav	... Petitioner
<i>Versus</i>	
The State of Maharashtra and Ors.	... Respondents

Mr. Chetan G. Patil for the Petitioner.
Mr. N. C. Walimbe, AGP for the State-Respondent Nos. 1 and 2.
Mr. V. S. Kapse a/w Ms. Anoushka Goyal for the Respondent No.3 & 4.

**CORAM: R. D. DHANUKA AND
ABHAY AHUJA, JJ.**

DATE : 7th OCTOBER, 2021.

P.C. :-

. Rule. Mr. Walimbe, learned AGP waives service for the respondent nos.1 and 2. Mr. Kapse, learned counsel waives service for the respondent nos.3 and 4. By consent of parties, petition is heard finally.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks an order and direction to the respondent nos. 3 and 4 to appoint the petitioner as full time Shikshan Sevak/Assistant Teacher since the Academic Year 2015-16 and seeks further directions to respondent no.2 to grant approval to the appointment of the petitioner as full time Shikshan Sevak/Assistant Teacher since the Academic Year 2015-16 and to release the grant in aid for payment of salary to the petitioner as full time Shikshan Sevak/Assistant Teacher with all consequential benefits.

3. It is the case of the petitioner that the petitioner was appointed w.e.f. 1st October, 2011 and since then has been working in the respondent no.4-school as part time Shikshan Sevak initially and thereafter as full time Shikshan Sevak. The approval of the appointment of the petitioner as part time Assistant Teacher was granted for the Academic Year 2016-17 and 2017-18.

4. It is the case of the petitioner that though the Management has submitted proposal for granting approval to the appointment of the petitioner as full time Shikshan Sevak as well as Assistant Teacher, the Education Officer has not decided the said proposal.

5. We have also perused the affidavit-in-reply filed by the respondent no.2. In the affidavit-in-reply, it is submitted that the respondent nos. 3 and 4 forwarded the proposal for the approval of the petitioner as part time Teacher and the same has been placed by the petitioner on record. The respondent no.2 has received the proposal from the respondent nos. 3 and 4 for the approval to the appointment of part time Teacher.

6. Mr. Kapse, learned counsel for the Management states that both proposals have been received by the Education Officer. He agrees to produce the acknowledged copy of the said proposals sent to the Education Officer by filing a copy thereof with the Education Officer within three weeks from today. It is made clear that even if the said proposals are not received according to the Education Officer, as on the

date of submitting the said proposals, the Education Officer shall consider the said proposals on the basis of the copy from the date of the proposals made by the Management to the Education Officer for both the posts from the initial date of appointment within eight weeks from the receipt of the said copy of the proposals and shall communicate the order that would be passed to the petitioner within one week thereafter.

7. It is also made clear that if the proposals submitted by the Management are approved by the Education Officer, the consequential benefits on such approval shall be granted to the petitioner as full time Shikshan Sevak/Assistant Teacher by release of grant in aid for payment of salary within eight weeks thereafter. The name of the petitioner shall be inserted in the Shalarth ID within two weeks from the date of granting such approval. If the approval is rejected by the Education Officer, the petitioner would be at liberty to challenge the said order by filing appropriate proceeding. In that event, the Management shall not take any coercive steps against the petitioner on the ground of refusal of the approval for a period of four weeks thereafter to enable the petitioner to file an appropriate proceeding.

8. Writ Petition is allowed in aforesaid terms. Rule is made absolute accordingly. There shall be no order as to costs.

9. Parties to act on the authenticated copy of this order.

[ABHAY AHUJA, J.]

[R. D. DHANUKA, J.]