

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

21 WRIT PETITION NO.4387 OF 2022

**DATTATRAYA VITTHAL SATPUTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.S.T. Shelke, Advocate for the petitioner.
Mr.S.G. Sangle, AGP for the respondent/State.
Mr.S.S. Wagh, Advocate for respondent Nos.3 and 4.

**CORAM : RAVINDRA V. GHUGE &
 ANIL L. PANSARE, JJ.
DATED : 11.07.2022**

PC :-

01. Issue notice to the respondents. The learned AGP waives service of notice on behalf of respondent Nos.1 and 2 and the learned Advocate Mr. S.S. Wagh waives service of notice on behalf of respondent Nos.3 and 4.

02. The learned Advocate for the petitioner has putforth prayer clauses "A" and "B" as under :-

“(A) Quash and set aside the approval order dt. 04.06.2019 at Exh.D to the extent of honorarium & Shikshan Sevak period and further direct the Deputy Director of Education, to prescribe the

pay scale of Asst. Teacher and for that purpose issue necessary writ or order.

(B) Direct the respondent no.2, to grant pay scale of Asst. Teacher to the petitioner during the pendency of this petition.”

03. We have considered the submissions of the learned Advocates for the respective sides in the backdrop of the order dated 04.06.2019. There is no dispute that the petitioner was appointed as a Shikshan Sevak on 01.05.2016 and the period of three years concludes on 30.04.2019. It is equally undisputed that his appointment has been effected by following the due process.

04. By the impugned order, the Deputy Director (Education), Pune has apparently erroneously granted approval to the service of the petitioner, again as a Shikshan Sevak, for a further period of three years from 15.04.2019 till 14.04.2022.

05. In view of the above, this petition is allowed. The impugned order dated 04.06.2019 is quashed and set aside and respondent No.2 is

directed to issue a fresh order of approval to the service of the petitioner as an Assistant Teacher with effect from 01.05.2019 onwards. Needless to state, he would be entitled for all the incidental and consequential benefits including monetary benefits. Such monetary benefits would be calculated and paid preferably on or before 30.09.2022.

[ANIL L. PANSARE,J.]

[RAVINDRA V. GHUGE,J.]