

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

956 WRIT PETITION NO.12708 OF 2021

KISHOR DILIP HULSURE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Solanke Shikrashna B.
AGP for the respondent – State : Mr. K.N. Lokhande
Advocate for the respondents no. 3 and 4 : Mr. B.T. Bodkhel
...

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 4 OCTOBER 2022

ORAL ORDER (SANDEEP V. MARNE, J.) :

It is not in dispute that approval has been granted to petitioner's appointment from 01-08-2012 to 06-09-2014 and again from 15-06-2019 to 06-06-2020 on the post of Shikshan Sevak. On completion of 3 years of service as Shikshan Sevak, further approval has been granted to the post of Shikshan Sevak with effect from 07-06-2020. The petitioner's grievance was in respect of intervening period of 07-09-2014 to 14-06-2019. A proposal was sent by the Headmaster on 10-08-2020 to the Education Officer for grant of approval for that intervening period. By impugned communication dated 20-10-2021, the Education Officer has rejected the proposal solely on the ground that during the period from 07-09-2014 to 14-06-2019, vacant post was not available.

2. Mr. Solanke, learned counsel appearing for the petitioner invites our attention to clause 11 of the Government Resolution dated 27-06-2016. He submits that under clause 11, a special provision is made in respect of those teachers who are rendered surplus on account of the staffing pattern on 2013-14 and 2014-15 who are required to be brought as surplus on the staffing pattern sanctioned for the year 2015-16. He would further submit that the correct interpretation of clause 12 is that in the event of such surplus Shikshan Sevaks completing 3 years on the day of issuance of Government Resolution dated 27-06-2016, they are required to be granted continuity of service.

3. A perusal of the impugned order dated 20-10-2021, it is seen that though the Government Resolution dated 27-06-2016 is referred to therein, the effect of clause 11 has not been considered.

4. We, therefore, set aside the impugned order dated 20-10-2021 and direct the Education Officer (Secondary), Zilla Parishad, Latur to reconsider the case of the petitioner in the light of clause 11 of the Government Resolution dated 27-06-2016.

5. We make it clear that we have not examined the merits of the matter and all the issues in this regard are kept open. The

Education Officer is directed to take a fresh decision within a period of four months from today.

6. Writ petition is disposed of.

[SANDEEP V. MARNE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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