

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

WRIT PETITION NO.2855 OF 2022

Mohandas Gopalrao Latkar & Anr. Petitioners

Vs.

State of Maharashtra & Ors. Respondents

Mr. N. V. Bandiwadekar I/b. Sou. Ashwini Bandiwadekar for the
Petitioners

Ms. S. S. Bhende, AGP for the State

**CORAM: S.V. GANGAPURWALA &
S. M. MODAK, JJ.**

DATED : JUNE 30, 2022

P.C.

1 Heard the learned Counsel for the Petitioners and the learned
AGP for the State.

2 The proposal seeking approval to the permanent appointment
of Petitioner No.1 as a full time Instructor (Electrical Technology)
has been rejected. The Petitioners have been granted approval for
the probationary period. However, the same is rejected on the
ground that on the date the Petitioner was appointed, he did not
possess necessary qualification i.e. Certificate Course in Vocational
Teacher Training.

3 The learned Counsel for the Petitioner submits that the order granting approval to the appointment of the Petitioner on probation clearly mentions that in case if some decision is taken of acquiring Certificate Course for Vocational Teacher Training in future, the Petitioner will have to acquire the said qualification. The Petitioner acquired the said qualification on 15th November 2019. The learned Counsel submits that the Petitioner is entitled for the permanent approval, as he possesses necessary qualification.

4 The learned AGP submits that as on date the Petitioner was appointed, he did not possess necessary qualification. As such, rightly, the proposal for approval is rejected. The person who does not possess the required qualification, cannot be appointed. In fact, even the approval on probationary period ought not be granted.

5 We have considered the submissions.

6 The order granting approval for the probationary period itself shows that the same is granted on a condition that the Petitioner will acquire the qualification of Certificate Course in Vocational Teacher Training. Said order of appointment is dated 8th November 2017. The Petitioner got the necessary qualification i.e. Certificate Course in Vocational Teacher Training on 15th November 2019.

7 In light of the above, we pass the following order:

a. The Jt. Director of Vocational Education and Training shall consider the qualification acquired by the Petitioner and if the Petitioner has acquired the qualification as required, shall grant him approval to the appointment since his initial date of appointment. However, the salary would be paid to him from 15th November 2019. Same shall be done preferably within three months.

b. With these observations, the Writ Petition is disposed of.

(S. M. MODAK,J.)

(S.V. GANGAPURWALA, J.)