

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

WRIT PETITION NO.640 OF 2021

Pradeep Laxman Mali

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. N. V. Bandiwadekar I/b. Mrs. Ashwini Bandiwadekar for the
Petitioner

Mr. C. K. Bhangoji for Respondent Nos.4 and 5

Mr. N. C. Walimbe, AGP for the State

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

DATED : JUNE 24, 2022

P.C.

1 The Petitioner is appointed as a Teacher (Mechanical Technology) in a minority institution. The appointment of the Petitioner is approved under order dated 29th December 2017 by the Jt. Director. Under the said order of approval, it was directed that the Petitioner shall acquire the qualification as may be required. Subsequently, under order dated 18th August 2020, the proposal for permanent approval was refused on the ground that the Petitioner did not possess the qualification as per Government Resolution dated 27th November 2015.

2 The learned counsel for the Petitioner submits that the Petitioner has acquired the qualification and has passed the training course. The

certificate to that effect was issued on 27th November 2021. The diploma certificate has been issued. While canceling the approval, no opportunity of hearing was given to the Petitioner.

3 The learned AGP submits that the Petitioner did not possess the qualification on the date, the Petitioner was appointed. The earlier order of appointment was temporary one with a condition that the Petitioner shall acquire the necessary qualification. After three years, the Petitioner did not acquire the qualification, as such, the permanent approval was refused. No error has been committed.

4 We have considered the submissions.

5 In the Petitioner's initial appointment order dated 29th December 2017 issued by the Joint Director of Vocational Education and Training a rider was attached stating that a "Certificate Course in Vocational Teacher Training" shall be acquired and subject to acquiring the qualification the approval has been granted.

6 According to the learned Counsel for the Petitioner, the Petitioner acquired the said qualification and diploma certificate was issued to the Petitioner in December 2021.

7 Considering the above, we pass the following order:

- a. The Joint Director of Vocational Education and Training shall consider the qualification acquired by the Petitioner and if the

Petitioner has acquired the qualification as required under the said order, shall grant him approval to the appointment since his initial date of appointment. However, the salary would be paid to him from December 2021. Same shall be done preferably within three months.

b. For all the purposes, the service would be counted from the initial date of appointment.

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

(S. M. MODAK,J.)

(S.V. GANGAPURWALA, J.)