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

WRIT PETITION NO.4429 OF 2021

Vithal Namdev Nalawade

..... Petitioner

Vs.

The State of Maharashtra and Ors.

..... Respondents

Mr.Machhindra Patil for the Petitioner

Mr.N.C.Walimbe, A.G.P. for the State

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

DATED : JUNE 30, 2022

P.C.

1. The petitioner claims to have been appointed as Shikshan Sevak on 12.07.2004 and had joined the said post. The learned counsel for the petitioner submits that the petitioner was thereafter absorbed in respondent no.4 School. The approval has been granted to the appointment of the petitioner from 15.06.2006 instead of 12.07.2004. The petitioner moved for correction of the date of approval. However, the same is not considered on the ground that the petitioner has approached the authority after 14 years.

2. The learned counsel on instruction submits that if approval is

granted from the year 2004, petitioner would not claim his seniority over other candidates nor would claim arrears of salary. It appears from the record that the petitioner did not raise the grievance about the date of approval for 14 years and after 14 years approached the Education Officer. Naturally there is delay on the part of the petitioner. Petitioner has placed on record appointment order dated 12.07.2004 issued by respondent no.5. The petitioner to show his bonafide has also stated that the petitioner would not claim difference of salary and seniority if the petitioner's appointment is approved from the initial date of appointment i.e. 12.07.2004.

3. In view of that, Education Officer shall consider the application of the petitioner for grant of approval from the initial date of appointment i.e. 12.07.2004 on its own merits and shall take decision preferably within six months.

4. The impugned order as such is quashed and set aside. In case the Education Officer approves the services of the petitioner from 12.07.2004 then the petitioner would not be entitled for arrears of salary. Only notionally his salary would be fixed and so also the petitioner would not claim seniority over who are already in the seniority list above the petitioner.

5. Writ Petition is accordingly disposed of. No costs.

(S. M. MODAK,J.)

(S.V. GANGAPURWALA, J.)