

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10674 OF 2022

Mrs.Shilpa Abdhut Patil

Ms. Shipla Sahadev Sawant & Anr.

... **Petitioners**

Versus

The State of Maharashtra & Anr.

... **Respondents**

Mr. N. V. Bandiwadekar i/b. Mrs. Ashwini N. Bandiwadekar,
Advocate for the Petitioners.

Mrs. P. J. Gavhane, AGP for the Respondents/State.

**CORAM: S.V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : SEPTEMBER 13, 2022

P.C.

1. The proposal seeking approval to the up-gradation of the Petitioner as Assistant Teacher from part time post to full time post is refused by Respondent No. 2 by referring to the Government Resolution dated 23/6/2017. The Petitioner is upgraded in March 2019. Learned Counsel submits that the person in whose place the petitioner was upgraded has retired and he was from general category.

2 Be that as it may, as far as the applicability of Government Resolution dated 23/6/2017 is concerned, it has been held by this Court that the same would not apply for the up-gradation of the post when the person is already working on part time basis. Reference can be made to the Orders of this Court dated 9th July, 2021, 25th January, 2021 and 9th March, 2022.

3 The Roaster of 2017 was already submitted. The Deputy Director of Education shall consider that the person on whose post the petitioner was upgraded i.e. whether he belongs to reserved category or open category.

4 The impugned order is set aside. Deputy Director of Education shall consider seeking approval for up-gradation of petitioner as a full time employee afresh on its own merits and take decision preferably within 6 months.

5. The Writ Petition is disposed of with no order as to costs.

(R. N. LADDHA, J.)

(S.V. GANGAPURWALA, J.)