

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 160 OF 2022

Mr. Pravin Mohan Sangar	... Petitioner
Versus	
State of Maharashtra and Ors.	... Respondents

Mr. Chetan Patil a/w Mr. Mandar Bagkar, for the Petitioner.
Mrs. S.S. Bhende, AGP for the State.

**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.**

DATE : 5th APRIL, 2022.

P.C.

Heard.

2. The Respondent No.2-Education Officer has tendered his Affidavit-in-Reply, which is taken on record. In para 7 of the affidavit, the Educational Officer, who is personally present in the Court, has stated that the directions given by this Court in its order dated 1st February, 2021 in Writ Petition No. 5353 of 2019 will be complied with by him in true letter and spirit.

3. The directions given by this Court as per its judgment dated 1st February, 2021 are to the effect that the Education Officer shall consider the issue of grant of approval to the

appointment of the Petitioner by ignoring the Government Resolutions dated 23rd October, 2013 and dated 12th February, 2015. This Court has also directed that the approvals shall be given their effect from their respective appointment dates and this Court has also directed the Education Officer to pass an order to release the grant in aid for payment of salary to the Petitioner since the date of his appointment with all consequential benefits, if approval is granted.

4. We are of the view that even though the direction has been issued for taking a fresh decision regarding the grant of approval in accordance with law, hardly, any discretion has been left to the Education Officer for refusing the grant of approval in view of the fact that this Court has also directed that GRs dated 23rd October, 2013 and 12th February, 2015 shall not come in the way of approving the appointment of the Petitioner. There is one more reason why we say so. This Court has further directed that the approval must be given with effect from the date of appointment of the Petitioner.

5. Considering the above-said directions and assurance given by the Education Officer given in para 7, we are sure that the Education Officer now would grant his approval keeping in view of the spirit of the order dated 1st February, 2021 passed in Writ Petition No. 5353 of 2019.

6. With these observations, we dispose of the Petition while granting the liberty to Petitioner to approach this Court in case any approval is refused.

[G.A. SANAP, J.]

[SUNIL B. SHUKRE, J.]

Rekha Patil