

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

**Writ Petition No. 3901 of 2021**

|                                 |     |             |
|---------------------------------|-----|-------------|
| Anna Babaji Nale                | ... | Petitioner  |
| v/s.                            |     |             |
| The State of Maharashtra & ors. | ... | Respondents |

Ms. Rekha Musale for the Petitioner.

Mrs. P.J. Gavhane, AGP for the State.  
Ms. Bhagyashri R. Mangle for Respondents 3 & 4.

**CORAM : A.S.Chandurkar & G.A. Sanap, JJ.**

**21<sup>st</sup> April 2022**

**P.C.**

LATA  
SUNIL  
PANJWANI

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Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

2. The Petitioner was appointed as an Assistant Teacher on 1<sup>st</sup> February 2013 at Respondent No.4 – School run by the Respondent No.3 – management. The services of the Petitioner came to be transferred by the order dated **21<sup>st</sup> August 2017**. While granting approval to the Petitioner's appointment by the order dated 10<sup>th</sup> September 2019 it has been stated that such approval was as Shikshan

This order is corrected vide speaking to minutes order dt.04/05/2022 and correction is shown in bold.

Sevak. Being aggrieved, the Petitioner has challenged that order.

3. On 22<sup>nd</sup> February 2022, this Court found that the decision of the Division Bench in Writ Petition No. 5258/2012 (Ms. Sandhya Laxman Ghosalkar v/s. The State of Maharashtra & ors.) dated 12<sup>th</sup> September 2012 supported the prayer made by the Petitioner. Thereafter, the Respondent Nos.3 and 4 have filed their reply in which it has been stated in Paragraph-17 that since the order of transfer dated 21<sup>st</sup> August 2017 refers to the Petitioner's transfer as an Assistant Teacher, the management was willing to sent a fresh proposal for granting approval to the Petitioner's appointment as an Assistant Teacher.

4. In view of the aforesaid, the following order is passed.

(i) The order dated 10<sup>th</sup> January 2019 is set aside since it grants approval to the appointment of the Petitioner as Shikshan Sevak.

(ii) The Respondent Nos.3 and 4 shall send a fresh proposal seeking approval to the appointment of the Petitioner as an Assistant Teacher from 21<sup>st</sup> August 2017. On receipt of such proposal the Education Officer (Secondary) shall examine the same in accordance with law and take necessary decision thereon within a period of four weeks from receipt of such approval.

This order is corrected vide speaking to minutes order dt.04/05/2022 and correction is shown in bold.

5. With these directions, the Petition is allowed and disposed of.
6. Needless to state that if the approval is granted, Petitioner would be entitled to all consequential benefits including the inclusion of the name in the Shalarth ID.

**(G.A.Sanap, J)**

**(A.S. Chandurkar, J)**

**Lata Panjwani, P.S.**

This order is corrected vide speaking to minutes order dt.04/05/2022 and correction is shown in bold.