

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

WRIT PETITION NO. 1467 OF 2022

Ms.Vanita Vijaykumar Ghorpade & Anr.

...Petitioners

vs.

The State of Maharashtra & Anr.

...Respondents

Mr.N.V. Bandiwadekar with Vinayak Kumbhar and Ajinkya Navale i/b.

Ms.A.N. Bandiwadekar for Petitioners.

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

**CORAM : SUNIL B. SHUKRE &
G.A. SANAP JJ.**

DATED : 9 MARCH 2022

P.C. :

. Heard learned Counsel for the Petitioners and learned AGP for the Respondents.

2. Rule. Rule made returnable forthwith. Heard finally, by consent.

3. Although the petition is opposed by learned AGP contending that the appointment having been made as per GR dated 23 June 2017 and the order of rejection of approval which had to be upheld by this court as valid and legal, learned Counsel for the Petitioner submits that the issue is no longer *res integra* as in the case of **Sadanand Krishnarao Bhosale vs. The State of Maharashtra** (Writ Petition No.10516-2018), along with connected matter, decided on 9 July 2021, this court has taken a view that G.R. dated 23 June 2017 applies to the new appointments in the full time post and

does not apply to upgradation of already appointed part time teachers.

4. In this case also, the Petitioner was newly appointed on 12 June 2006 as Part Time Teacher in English Aided college and as the post of Full Time Teacher became vacant, the Petitioner's appointment was upgraded on 15 June 2020 to the post of Full Time Teacher. Therefore, the law declared by this court in the case of **Sadanand Krishnarao Bhosale** (supra) would squarely apply to the facts of the present case and as such, we find no merit in the submission made on behalf of the Respondent State.

5. Accordingly, the writ petition is allowed in terms of prayer clause (b). We direct the Respondents to release grant towards salary of the Petitioner as Full Time Teacher from the date of upgradation within two weeks from the date of receipt of copy of this order.

6. Rule is made absolute in the above terms. No costs.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)