

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

Writ Petition No. 6973 of 2019

Sudhakar Narhari Shinde	...	Petitioner
v/s.		
The State of Maharashtra & ors.	...	Respondents

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

**CORAM : SUNIL B.SHUKRE &
AMIT BORKAR, JJ.**

22nd February 2022

P.C.

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

2. The Petitioner was appointed as a part time Assistant Teacher on 2nd September 1992 and thereafter the Petitioner was appointed as a full time teacher when the full time posts of teachers were created. They were created in the academic year 2008-09 and since then Petitioner is working as a full time teacher with Respondent No.4 School. The approval to such appointment of the Petitioner, however,

has been refused by the Respondent No.5 on the ground that even though these full time posts have been created, these posts have not received sanction from the Government and so the appointment of the Petitioner as a full time teacher could not be approved.

3. On going through the reply filed on behalf of Respondent Nos.1,2 and 5, we can see that there is no dispute about creation of post of full time teachers since the year 2008-09. There is also no dispute about the requirement of such newly created posts having been sanctioned by the Government as per GR dated 26th March 2002. That being the position one does not understand as to why the Government is not taking necessary steps for sanctioning these posts.

4. The reply filed on behalf of Respondents Nos. 1 to 5 shows that there is no dispute about creation of posts of full time teachers since the academic year 2008-09 onwards but at the sametime, no steps are being taken for sanctioning of all these posts except for forwarding of proposal in this regard by Respondent No.5 to Respondent No.1. As the Petitioner is working as a full time teacher since 2008-09 and there is no dispute about creation of new posts of full time teacher, it would be necessary for Respondent No.1 to take immediate action and grant sanction to the newly created posts in terms of such proposals which have already been sent to it by Respondent No.5. In fact if this was done without any delay, Respondent No.5 would have faced no

difficulty in granting approval to the appointment of the Petitioner as full time teacher. In the result, we allow the Petition by issuing following directions:-

5. Respondent No.1 is directed to decide the proposals sent to it by Respondent No.5 seeking sanction to the newly created posts vide proposals dated 13/03/2014, 15/04/2014 and 13/5/2014 in accordance with law at the earliest and in any case within four weeks from the date of receipt of the order.
6. We further direct Respondent No.5 to decide the issue at the earliest and in any case within 15 days from the date of receipt of the decision of Respondent No.1 on the above referred proposals.
7. Rule made absolute accordingly. No costs.

(AMIT BORKAR,J)

(SUNIL B.SHUKRE,J)