

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 3350/2019

Nilkamal Natthu Chavhan,
Aged 32 years, Occupation: Service,
New Sonkhas, Bypass Road at Post Mangrulpir,
Tahsil Mangrulpir – 444 403 District Washim.

PETITIONER

.....VERSUS.....

1. The State of Maharashtra,
Through the Secretary,
School Education Department,
Mantralaya, Mumbai-32.
2. The Deputy Director of Education,
Amravati Division, Amravati.
3. Bhagwant Shikshan Sanstha, Manoli,
Through its President Manoli – 444 409
Tahsil Mangrulpir, District Washim.
4. Bhagwantrao Mahakal Junior College, Manoli,
Through Its Principal, Manoli – 444 409,
Tahsil Mangrulpir, District Washim.

RESPONDENTS

Shri R.A. Haque, counsel for the petitioner.
Ms H.N. Jaipurkar, Assistant Government Pleader for the respondent nos.1
and 2.
Shri Z.Z. Haq, counsel for the respondent nos.3 and 4.

CORAM : A. S. CHANDURKAR AND SMT. PUSHPA V. GANEDIWALA, JJ.

DATE : 18TH JANUARY, 2022.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned
counsel for the parties.

2. The prayer made in this writ petition is for a direction to be
issued to the respondent nos.1 and 2 to approve the appointment of the
petitioner as Assistant Teacher.

3. According to the petitioner, pursuant to permission being granted for filling vacant post of Assistant Teacher at the respondent no.3-School an advertisement was issued pursuant to which the petitioner was duly selected and appointed on the post of Shikshan Sevak. Initial order of appointment is dated 26.06.2015 for a period of three years. The grievance of the petitioner is that despite such appointment and despite the fact that the Management had submitted a proposal seeking approval to his appointment, no decision has been taken by the respondent no.2.

4. In the reply filed by the respondent no.2 it has been stated that on 29.06.2018 and 27.08.2018 the Management merely submitted a letter seeking grant of approval to the appointment of the petitioner. Since relevant documents were not submitted alongwith the said letter, approval could not be granted.

5. Considering the aforesaid, the interests of justice would be served by directing the respondent nos.3 and 4 to submit a fresh proposal seeking grant of approval to the petitioner's appointment within a period of four weeks from today. The Deputy Director of Education, Amravati Division, Amravati shall thereafter within a period of four weeks from the receipt of such proposal take a decision thereon. The decision taken on

the proposal for grant of approval be communicated to the petitioner as well as the respondent no.4. In the meanwhile it is open for the petitioner to seek his regular salary from the respondent nos.3 and 4 who are at a liberty to seek reimbursement thereafter in case the appointment of the petitioner is approved.

6. With these directions, the writ petition is disposed of. Rule accordingly. No costs.

(SMT. PUSHPA V. GANEDIWALA, J.) (A.S. CHANDURKAR, J.)

APTE