

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.3410 OF 2023

**DATTATRAYA YASHWANT RASKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
ADDITIONAL CHIEF SECRETARY AND AND OTHERS**

...
Advocate for the Petitioner : Shri Salgare Vitthal G.
AGP for Respondents 1 and 5 : Shri P.S. Patil
...

**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 28th March, 2023

Per Court :-

1. When the Petitioner was before the learned Single Judge of this Court in Writ Petition No.9519/2012, he arrived at a compromise with the Management on 02.07.2013. The compromise terms were tendered to the learned Single Judge Bench and Writ Petition No.9519/2012 was disposed off with the direction to the Respondent Management to pay an amount of Rs.1,11,000/- towards complete satisfaction of the payment of back wages. In clause (d), it was recorded as under:-

“d) The Respondents undertake that in case, in future, if vacancy arises, preference may be

given to the petitioner's claim as against the said vacancy which shall be considered subject to reservation policy, qualification required for the post and approval from Education Officer."

2. In this petition, the Petitioner submits that the Respondents be directed to consider his candidature for appointment as an Assistant Teacher with the qualifications B.A., B.P.Ed., in the light of the terms of compromise mentioned above.

3. The learned Advocate for the Petitioner submits that no advertisement has still been published for available vacant post, pursuant to the retirement of one Appasaheb Laghane, who superannuated on 30.09.2022.

4. It does not call for any discussion that a permanent vacant post with the Respondent Management will have to be advertised, if eligible surplus candidate is not available, following which the Petitioner can make an application for being considered for appointment. Preference can be granted to him subject to the reservation policy, requisite qualifications and approval of the Education Officer.

5. In view of the above, **this Writ Petition is disposed off.**

6. If the Management does not get any surplus eligible candidate and advertises the said post, with the prior permission of the competent authority, the Petitioner will be at liberty to apply subject to the parameters of the reproduced clause of the compromise terms.

kps

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)