



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

WRIT PETITION NO. 2472/2021

(VAIBHAV ABHAYKUMAR SATPUTE & ANOTHER **VERSUS** EDUCATION OFFICER (SECONDARY),
ZILLA PARISHAD, BULDANA)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri P.S. Patil, counsel for the petitioners.

Shri N.R. Patil, Assistant Government Pleader for the respondent.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : DECEMBER 19, 2023.

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Heard respective counsel.

2. This Court in Writ Petition No. 5487 of 2017 had directed the Education Officer (Secondary) on August 20, 2019 to consider the question of grant of approval to the appointment of the petitioner no.3 to the said writ petition, who is the petitioner no.1 in the present writ petition.

3. As a sequel to above, it appears that the Education Officer (Secondary) has passed an order granting approval to the appointment of the petitioner no.1 with effect from the passing of the judgment dated August 20, 2019.

4. From the record, it is demonstrated that the post of Junior Clerk had fallen vacant in the petitioner no.2-School, which is a Minority Institution, way back in the year 2016. Accordingly, an advertisement was published on July 27, 2016 to fill up the post of Junior Clerk and after following the due procedure, the petitioner no.1 came to be appointed in the petitioner no.2-School with effect from August 22, 2016 for a period of three years.

5. As the appointment of the petitioner no.1 is against a clear vacancy and after following the due process of law, it was expected from the Education Officer (Secondary) to grant approval to the appointment of the petitioner no.1 from the date of his initial appointment and not from the judgment dated August 20, 2019 passed in Writ Petition No. 5487 of 2017. Even otherwise, it was not the intention of this Court while disposing of Writ Petition No. 5487 of 2017 to issue direction to the Education Officer (Secondary) to grant approval to the appointment of the petitioner no.1 from the date of judgment dated August 20, 2019.

6. It is a settled position of law that permanency of an employee is conferred from the date of his initial appointment. Therefore, it was not permissible for the Education Officer (Secondary) to deny grant of approval to the appointment of the petitioner no.1 from the date of his initial appointment, more so when the appointment of the petitioner no.1 was made against a clear vacancy.

7. In the aforesaid backdrop, we direct the respondent-Education Officer (Secondary), Zilla Parishad, Buldana to grant approval to the appointment of the petitioner no.1 on the post of Junior Clerk from the date of his initial appointment. Needless to state that the petitioner no.1 would be entitled to all the consequential benefits flowing from the order of approval from the date of his initial appointment.

8. With aforesaid directions, the writ petition is allowed and disposed of. In the facts of the case there would be no order as to costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)