

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13270 OF 2017

Shri Vishnu Bhiwa Sawant and Another ... Petitioners

versus

The State of Maharashtra and Another ... Respondents

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Mr.Vinayak Kumbhar i/b. Mr.N.V.Bandiwadekar for the Petitioners.
Mr.B.V.Samant, Addl.GP with Ms.Ashwini Purav, AGP for the
Respondent -State.

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**CORAM : NITIN JAMDAR &
M.M.SATHAYE, JJ.**

DATE : 23 JANUARY 2024

P.C.:

Petitioner No.1-employee and Petitioner No.2- Educational Institution have filed this petition making grievance that in spite of appointment of Petitioner No.1 being approved by the Education Officer, the salary grant admissible to his post is not being released from November 2012 onwards.

2. The petition is filed in the year 2016. Reply affidavit indicates that approvals were granted from 2012 onwards, but the reply affidavit seems to suggest that those approvals were wrongly granted. It is not placed on record in the reply affidavit that no approval was

granted or that the approvals were cancelled. Therefore, when the approval to the post of the Petitioners was granted and the said approval continues till date, there is no reason for the Respondents not to release the grant. An approval granted by the Education Officer cannot be merely doubted by other Education Officer and, on that ground, the Education Officer cannot refuse to release grant. Even for withdrawing or cancellation of the approval, there is a procedure laid down and the parameters are also established.

3. Therefore, since the reply affidavit does not indicate that any action is taken as regards existing approval, we dispose of the writ petition stating that if no such action is taken as per law by the Respondent -Authorities within a period of four weeks from today, the Respondent -Authorities will clear the arrears admissible to the Petitioners' post as per approval, within a period of four weeks thereafter.

4. By this order, we have not suggested that approval already granted will be cancelled. We have only pointed out existence of approval as admitted and the procedure to be followed.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)