

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8895 OF 2024

Vaishali Vasantrao Lad and Others ... Petitioners

versus

State of Maharashtra and Others ... Respondents

Mr.Chetan G. Patil i/b. Mr. Mandar G. Bagkar for the Petitioners
(through VC).

Mr.Abhijeet Naik, AGP for the Respondent -State.

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

DATED : 18 JULY 2024

P.C.:

Heard the learned Counsel for the parties.

2. Petitioner Nos. 2 and 3- Management has submitted a proposal for approval of appointment of Petitioner No.1 as an Assistant Teacher. Upon the proposal so submitted, the Petitioner- Management was informed of certain shortfalls based on which the proposal was rejected by order dated 9 September 2022. The Petitioner- Management reverted to the Education Officer pointing out that the shortfall as regards condition

This order is corrected pursuant to the order dated 18th October, 2024 passed in IA No. 11624 of 2024.

no. 26, that is, the appointment through Pavitra Portal not being done was also complete and therefore, there is no impediment to grant approval.

3. The petition has come up on board on 3 July 2024 wherein the learned AGP sought time to take instructions as to whether the impugned order is based on a mistake or that the petition is being contested. On 10 July 2024, further time was granted to take instructions. It was stated that if the petition is being contested, then reply would be filed by the Education Officer. Today, the learned AGP submits that instructions have been received that the Petitioners have removed all shortfalls and no other shortfalls remain.

4. In light thereof, since there is no impediment placed before us on which approval can now be rejected, the Petitioners are entitled to succeed. Accordingly, the writ petition is allowed in terms of prayer clause (a) which reads thus :

“a) Issue an appropriate writ, order or direction in the nature of writ thereby quashing and setting aside the impugned orders/ letter dated 6.6.2023 and 9.9.2022 issued by Respondent No.2 and further be pleased to direct Respondent No.2 to forthwith grant approval to the appointment of Petitioner No.1 as a Shikshan Sevak w.e.f. 2.7.2012 and thereafter to

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grant approval to the appointment of Petitioner no.1 as “Assistant Teacher” with effect from 02-07-2015” and further issue an appropriate writ, order or direction in the nature of writ thereby directing Respondent No.3 herein to enter the name of the Petitioner in Shalarth Pranali and issue Shalarth I.D. to the Petitioner No.1 and further be pleased to direct Respondent Nos. 1, 2 and 3 herein to release grant in aid for the payment of honorarium/ salary to the Petitioner No.1 with effect from 2.7.2012 with all consequential benefits”.

5. Order accordingly.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)

Note:- Signature of His Lordship Mr. Justice Nitin Jamdar is not secured on this order due to His Lordship’s unavailability, consequent upon His Lordship’s elevation as a Chief Justice of Kerala High Court w.e.f. 26th September, 2024.