



(1)

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

60 WRIT PETITION NO. 2610 OF 2025

MUKESH NARAYAN RANE

VERSUS

1. THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY, SCHOOL EDUCATION DEPARTMENT, MANTRALAYA,
MUMBAI
2. THE DEPUTY DIRECTOR OF EDUCATION, NASHIK
3. PAY UNIT, ZILLA PARISHAD, NANDURBAR
4. PEOPLES EDUCATION SOCIETY, TALODA, DIST. NANDURBAR
5. MODERN ENGLISH SCHOOL & JUNIOR COLLEGE (ARTS),
BORAD, TQ. TALODA, DIST, NANDURBAR

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Mr A. R. Syed, Advocate for petitioner

Mr M. M. Nerlikar, A.G.P. for respondent Nos.1 & 2

Mr Vivek Dhage, Advocate for respondent Nos.4 & 5

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 24th February, 2025

PER COURT:

1. Leave is granted to delete respondent No.3. Deletion be carried out.

2. Heard.

3. Issue notice for final disposal to the respondents, returnable forthwith. The learned A.G.P. waives service of notice on behalf of respondent Nos.1 and 2. Learned advocate Mr Dhage waives service of notice on behalf of respondent Nos.4 and 5.

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4. The petitioner is seeking a direction for correction of the approval to the effect that the period of employment can be considered from the date he joined as a 'Junior Clerk' w.e.f. 01/10/2007 and in the light of striking down of clause No.8 of the Government Resolution dated 10/06/2005 in the matter of **Shri Suhas Rangraoji More Vs. State of Maharashtra and others** (Writ Petition No.7706/2022) dated 21/12/2023 (Nagpur Bench) and the subsequent decision of this Court in **Umakant Babanrao Kulkarni Vs. State of Maharashtra and others** (Writ Petition No.4261/2024), dated 26/07/2024.

5. For the reasons recorded in the Umakant Babanrao Kulkarni (supra), the writ petition is partly allowed in terms of prayer clauses (C) and (D), which read as under :-

“C) This Hon'ble Court may be pleased to issue appropriate writ order or directions to the respondent no.2 to consider the date of his appointment / promotion from non-teaching to teaching i.e. 01.10.2019 as Asst. teacher and correct the approval dated 21.10.2024 (Exh. "H") and issue corrected approval to the petitioner and award all consequential benefits.

D) This Hon'ble Court may be pleased to issue appropriate writ order or directions to the respondent no.2 to treat him as Assistant Teacher from the date of his appointment / promotion

(3)

from Junior Clerk to Asst. Teacher i.e. 01.10.2019 and award him all consequential benefits.”

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

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