



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

1080 WRIT PETITION NO. 12911 OF 2022

Walmik Gokul Patil

VERSUS

The State Of Maharashtra Through Its Principal Secretary And Others

...

Mr. Kshirsagar Hemraj P, Advocate for the Petitioner

Ms. J. P. Reddy, AGP for Respondents/State

Mr. P. N. Kalni h/f. Mr. Manish V. Bhamre, Advocate for Respondent
Nos. 4 & 5.

...

CORAM : R. G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.

DATED : DECEMBER 19, 2025

P.C.:

1. The petitioner was appointed wayback in the year 2012 as 'Shikshan Sevak' with Respondent School, receiving 100% grant-in-aid. A proposal for according approval to the petitioner's appointment was turned down by Respondent No.3-the Education Officer (Secondary) vide his order dated 04.03.2020. The reason for refusal to accord approval was that there was dispute *inter se* the management and the recruitment of the petitioner was made during the period when there was ban on the recruitment.

2. Learned AGP reiterated the reasons given by the Education Officer for refusal to accord approval to the petitioner's appointment. In the alternative, she submitted for remitting the matter back to the Education Officer to decide it afresh.

3. In our considered view, a dispute between the management should not have been a reason to turn down the approval in a case wherein the appointment has been made in compliance with the

mandate of Section 5 of the Maharashtra Employees of Private Schools (Condition of Service) Regulation Act, 1977.

4. So far as regards the petitioner's claim to have been appointed for teaching Science subject is concerned, the petitioner relied on a judgment of this Court in the matter of ***Smt. Munoli Rajashri Karabasappa Vs. State of Maharashtra & Ors.*** in ***Writ Petition No.8587 of 2016***, wherein it has been observed thus :-

“9. In the result the Writ Petitions are allowed and impugned orders are quashed and set aside. The Respondents - Education Officers are directed to examine independent cases and grant approval to each of the teachers who fall in the following three categories:-

(a) Where the recruitment process is already commenced prior to GR dated 2nd May 2012;

(b) where the appointments made for filling up vacancies in English, Mathematics and Science;

(c) where the recruitment is made to fulfill the backlog of reserve categories candidates”

5. We reiterate that the dispute between the management should not have been a reason to turn down the proposal. More so, when the order impugned herein is silent to state that the appointment of the petitioner was made by a so called faction of the management which was not authorized to run/manage the affairs of the school. The Petitioner was appointed for teaching a Science subject. The appointment ways back to the year 2012. A Division Bench of this Court in case of ***Smt. Munoli Rajashri Karabasappa (supra)*** observed that Government Resolution dated 02.05.2012 prohibiting recruitment of teaching staff to have no application in case the appointments were made for filling up vacancies in English, Mathematics and Science

subjects. We are therefore of the view that the order impugned herein is unsustainable and therefore liable to be set aside. We therefore set aside the same and allow the Writ Petition in terms of prayer clauses (B) and (C) which read thus :-

B] By issuing writ of Certiorari or any other appropriate writ or direction, the Impugned Order/rejection letter dated 04/03/2020 i.e. (Exhibit-B) passed by Respondent No.3, Whereby the approval proposal dated 18.07.2012 of the Petitioner for the post of Math/Science teacher send by Respondent no.4, Management The above said impugned order May kindly be quashed and set aside.

C] By issuing writ of mandamus or any other writ/order thereby May kindly be direct to the Respondent no.3, Education Officer (Secondary) Jalgaon to decide the approval proposal dated 18.07.2012 afresh and grant the approval to the post of Petitioner as a Science teacher, as possible as earlier with in a stipulated period, as per this Hon'ble Court Principal seat judgment and order dated 10th July 2017 in W.P. No.8587/2016.”

6. Since the petitioner has approached this Court very late, we direct Respondent/Authorities to grant past monetary benefits payable to the petitioner only for the period of three years immediately before filing of the Writ Petition.

7. With this Writ Petition stands disposed of.

[ABASAHEB D. SHINDE, J.]

[R. G. AVACHAT, J.]