



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11915 OF 2024

Yuvraj S/o Vishwambhar Maske,
Age : 46 years, Occu. Service as
Assistant Teacher (Physical Teacher)
at Shri Ganeshnath Vidyalaya,
Sarsa, Taluka and district Latur.

... **Petitioner**

Versus

1. The State of Maharashtra,
Through- its Principle Secretary,
School Education and Sports Department,
Mantralaya, Mumbai - 32.
2. The Deputy Director of Education,
Chhatrapati Sambhajanagar Division,
Chhatrapati Sambhajanagar.
3. The Education Officer (Secondary),
Zilla Parshad, Latur.
4. The Secretary/President,
Manjra Charitable Trust,
Khadgaon Road, Latur,
Tq. & Dist. Latur.
5. Shri. Ganeshnatha Vidyalaya,
Sarsa, Tq. & Dist. Latur.
Through the Head Master

... **Respondents**

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Advocate for Petitioner : Mr. Shinde S. S.
AGP for Respondent/s-State : Mr. S. R. Yadav-Lonikar.

...

**CORAM : S. G. MEHARE, AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 17.03.2025

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The petitioner was promoted as Assistant Teacher from the post of Junior Clerk. The proposal for approval as Assistant Teacher was forwarded to respondent No.3 by order dated 10.09.2024. However, respondent No.3 has approved him as Shikshan Sevak by the impugned order dated 10.09.2024. The petitioner being dissatisfied with the order, approached this Court contending that clause No.8 of the Government Resolution dated 10.06.2005 incorrectly applied to such employees. He would submit that the petitioner deserves to be appointed on full pay as Assistant Teacher instead of Shikshan Sevak.

3. To bolster his argument he relied on the case of ***Suhas Rangraoji More Vs. State of Maharashtra and others in Writ Petition No.7706 of 2022*** from Nagpur Bench and the judgment of the the Co-ordinate Bench of this Court dated 26.07.2024 in Writ Petition No.4261 of 2024. He is seeking modification to the impugned order as mentioned above.

4. The contesting respondent No.3 has filed affidavit-in-reply. He opposed the contention of the petitioner and submitted that Clause No.8 of the Resolution dated 10.06.2005 still holds the fields and apply to the petition. Therefore, the impugned order is legal, correct and proper. It does not warrant interference.

5. There is no dispute on the fact only the question is “could the approval be granted to the petitioner as Shikshan Sevak instead of Assistant Teacher in view of Clause 8 of Government Resolution dated 10.06.2005”?

6. The identical issue has been dealt with by the Co-ordinate Bench in the above writ petition and it has been held that the application of clause No.8 to such an employee is impermissible and the petitioner deserves approval for the post of Assistant Teacher instead of Shikshan Sevak. Relying on the view of the Co-ordinate Bench in the matter of Suhas Rangrao More, the Co-ordinate Bench adopted the same and allowed writ petition.

7. We have gone through the facts of the cases decided earlier and issues involved in those matters and find that the

identical issue has been dealt with by the Co-ordinate Bench in the matters mentioned above. Since the facts are not disputed and even the approval to the promotion of the petitioner was granted to him, we have no reason to take another view. Hence, the petition deserves to be partly allowed. We pass, the following order :

ORDER

- (i) Writ petition is partly allowed in terms of prayer

Clause “B” which reads thus ;

“By issuing writ of mandamus or any other appropriate writ, order or directions in the like nature, respondent No.3/Education Officer (Secondary) may kindly be directed to modify/correct the order of approval dated 10.09.2024 (Exh. “E”) as Assistant Teacher in the prescribed pay scale instead of Shikshan Sevak within four (4) weeks.”

- (ii) No order as to costs.
- (iii) Rule made partly absolute, in the above terms.

(SANDIPKUMAR C. MORE, J.)

(S. G. MEHARE, J.)

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vmk/-