

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.14709 OF 2024

Mahesh Dattatraya Limaye	.. Petitioner
Vs.	
State of Maharashtra & Ors.	.. Respondents

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Mr. Satyajee A. Rajeshirke with Mr. Shubham Vajekar, Advocates for the Petitioner.

Mr. P. P. Kakade, Additional Government Pleader with Mr. S Babar, Assistant Government Pleader for the respondent nos.1 and 2-State.

Mr. Mandar Limaye, Advocate for the respondent nos.3 to 5.

**CORAM : SHREE CHANDRASHEKHAR &
MANJUSHA DESHPANDE, JJ**

DATE : 28TH JULY 2025.

P.C. :

In this writ petition, the petitioner relied on a decision of this Court in writ petition no.150 of 2021 "*Rajaram Bhagwan Jadhav Vs. The State of Maharashtra & Ors.*" with connected writ petitions wherein this Court issued the following directions while disposing of the aforementioned batch of writ petitions:

“2. The petitions are, accordingly, disposed of by giving liberty to the Petitioners to file appropriate applications/representations for absorption as full time teachers in accordance with the State policy. Respondent No.3 shall on receipt of such applications/representations, extend opportunity of hearing to the Petitioners and the concerned institution (Respondent No.4), and, thereafter, issue necessary instructions/directions for facilitating absorption of the Petitioners in accordance with the policy of the Respondent State, as expeditiously as possible, and

preferably within a period of four months from the date of receipt of the applications/representations. In the event the Petitions are found eligible for absorption as full time Teachers in Respondent No.3 Institution, the Education Officer (Respondent No.2) shall issue directions to Respondent No.3 for submitting appropriate proposal for grant of approval to upgradation of the Petitioners as full time Teachers. The petitions are disposed of in the above terms.”

2. Mr. Mandar Limaye, the learned counsel appears for the respondent nos.3 and 4 and takes us through the paragraph no.3 to 5 of the affidavit in reply filed on behalf of the respondent nos.3 and 4. The learned counsel for the respondent nos.3 and 4 submits that unless No Objection Certificate (for short, ‘NOC’) is granted to the respondent-Management, the proposal for upgradation of the post of the petitioner as a full-time teacher could not have been forwarded. The respondent nos.3 and 4 have taken the following stand in their affidavit in reply:

“4. I say that there is a full time vacant post of Assistant Teacher for Maths subject since 2022. I say that reliance is placed by the Petitioner on Government Resolutions dated 31.01.2001 ad 10.06.2005 to contend that upgradation from Part-Time teacher to Full-Time Teacher is permissible. I say that the management by letter dated 19.08.20024 has requested the Respondent No.2 to grant NOC for upgradation; however, the Respondent No.3 has not taken any decision towards the same. Hereto annexed and marked as EXHIBIT "A" is the copy of Letter dated 19.08.2024.

5. I say that the vacant post being an aided post, the NOC from the Respondent No.2 is necessary as the Respondent No.2 will be disbursing the salary of the Petitioner from the salary grant available for the said post. I say that thus the upgradation of the Petitioner from Part-Time Teacher to Full-Time Teacher in Respondent No.4 College can be done subject to grant of NOC from Respondent No.2.”

3. Mr. P. P. Kakade, the learned counsel appearing for the respondent nos.1 and 2 does not dispute this proposition that in absence of NOC from the Deputy Director of Education-respondent no.2, the Management could not have forwarded the proposal in relation to the petitioner for upgradation of post as a full-time teacher.

4. Since a proposal has been sent to the respondent no.2 on 19th August 2024 seeking NOC in respect of the petitioner's post, we hereby dispose of this writ petition with a direction to the respondent no.2 to take a decision within 4 weeks and, if found permissible, issue NOC for upgradation as a full-time teacher in respect of the petitioner's post. Once NOC is granted by the respondent no.2, the Management-respondent no.3 shall forward a proposal within next six weeks for upgradation of the post of petitioner as a full-time teacher.

5. Writ petition no.14709 of 2024 is disposed of with the aforesaid directions.

[MANJUSHA DESHPANDE, J.] [SHREE CHANDRASHEKHAR, J.]