



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2490 OF 2020

Sunikumar S/o Mohanlal Hattimare .Vs. State of Maharashtra and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. I.N. Choudhari, Advocate for petitioner.

Mr. N.R. Patil, A.G.P. for respondents/State.

Mr. Kapgate, Advocate for respondent No.2 through V.C.

CORAM : ANIL S. KILOR AND
AJIT B. KADETHANKAR, JJ.

DATE : 20/08/2025

1. A prayer to quash and set aside the order/communication dated 13.03.2020 refusing to grant approval to the appointment of the petitioner as 'Assistant Teacher', is under consideration in this petition.

2. The record shows that, the petitioner was appointed on 23.06.2012 as 'Assistant Teacher'. The respondent No.3 issued appointment order to the petitioner appointing petitioner as 'Assistant Teacher' in respondent No.4 – school w.e.f. 01.10.2012. Thereafter, on 23.01.2013, the respondent No.2 issued approval order and thereby, granted approval to the appointment of the petitioner on unaided basis for probation period.

3. It is the case of the petitioner that on completion of the probation period on 01.10.2014, he was

continued in service and as such, he deemed to have confirmed. He further argues that, in view of the confirmation of the petitioner, the respondent No.2 ought to have granted approval for the appointment of the petitioner which they denied therefore, this petition.

4. The reasons for denial of such approval as stated in the impugned communication is that, there was only one post of Assistant Teacher available on unaided basis whereas, three Assistant Teachers were appointed including the petitioner.

5. The staff justification of the 2018-2019 supports this reason stated in the impugned order. The staff justification for the academic year 2018-2019 which is filed on record shows that, there was one post available for the Assistant Teacher on unaided basis whereas, three teachers were working including the petitioner. Therefore, as per the record, no error is found in recording such reason and rejecting approval of the petitioner.

6. In that view of the matter, as we have observed that, there is no illegality committed by the respondent No.2 in rejecting the proposal of the approval, we dismiss the petition. However, there is also a prayer for direction to the Management to pay the salary to the petitioner for the period 2012 – 2020.

7. The learned counsel for the Management trying to convey this court that the claim is time barred and the petitioner is absent from the duty.

8. We do not want to go into the disputed question of fact as the learned counsel for the petitioner is disputing the submissions made by the learned counsel for the Management.

9. However, we are of the opinion that to meet the ends of justice a direction should be issued to the Management who is having principal responsibility to pay the salary, to decide the claim of the petitioner for payment of arrears of salary.

10. Having held so, the petitioner may make a representation before the Management for payment of arrears of salary within a period of **four weeks** from today. If such representation is made, the Management – respondent No.3 is directed to decide the same within **two months** from the date of submission of such representation.

(AJIT B. KADETHANKAR, J.)

(ANIL S. KILOR, J.)