
(2018) 10 BOM CK 0149
In the Bombay High Court
Case No : Writ Petition No.9449 Of 2018

Tejaswini Netaji Yadav

APPELLANT

Vs

State of Maharashtra and Others

RESPONDENT

Date of Decision : 11-10-2018

Acts Referred:

Citation : (2018) 10 BOM CK 0149

Hon'ble Judges : B. R. Gavai, J;M. S. Karnik, J

Bench : Division Bench

Advocate : C.G. Patil, M.G. Bagkar, V.M. Mali

Final Decision : Allowed

Judgement

B.R. Gavai, J

[1]Â Rule.Â Rule is made returnable forthwith.Â Heard by consent of parties.

[2]Â By way of the above Petition, the Petitioner who is a teacher has approached this Court being aggrieved by refusal by the Respondent â?

Education Officer to grant approval to the appointment of the Petitioner. The Petitioner has not been granted approval on the ground that in view of

Government Resolution dated 02/05/2012, there was a ban on recruitment of teachers and as such, appointments made by the management are illegal.

[3]Â Mr. Mali, learned AGP appearing on behalf of Respondent Nos. 1 and 2, has vehemently opposed the Petition.

[4]Â The issue is no more res integra. The Division Bench of this CourtÂ while deciding Writ Petition No.8587 of 2016 with connected Writ

Petitions vide its judgment dated 10th July, 2017Â hasÂ observed in para 7 as under:Â?

â??7. In that view of the matter, we find that in view of subsequent GRs and in

view of the view taken by Division Bench of this Court, the ban would not be applicable to three categories, one where the recruitment process is already commenced prior to GR dated 2nd May, 2012, second, in so far as the appointment made for the subjects of English, Maths and Science are concerned and third, where the recruitment is made to fulfil the backlog of reserved category candidates.â??

[5]Â Undisputedly, the Petitioner is appointed to teach English with effect from 20/06/2017 and as such, she is squarely covered by the judgment of Division Bench of this Court, cited supra.

[6] In that view of the matter, the Petition is allowed. The impugned order dated 07/06/2018 is quashed and set aside. Respondents are directed to grant approval to the appointment of the Petitioner from the date of her appointment i.e. 20/06/2017 as a Shikshan Sevak for three years and after satisfactory completion of the period of three years as Shikshan Sevak, grant approval to the Petitioner as Assistant Teacher and to pay the Petitioner her regular salary from the month of November, 2018 and all arrears of salary from the date of appointment of the Petitioner till October, 2018 shall be cleared within a period of three months from today.

[7]Â Rule is made absolute accordingly.