

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 1339 OF 2012

PRAMOD BHASKAR LONDHE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Barlinge S.R.
AGP for Respondents: Mr.A.S.Shinde.
...

CORAM : **S. V. GANGAPURWALA and
V. L. ACHLIYA, JJ.**

DATE : 10th February, 2015.

P.C.:

. Vide writ petition, the Petitioners seek directions against the Respondents to consider the services of the Petitioners as continuous service from the date of their initial appointment.

2 According to Mr.Barlinge, learned counsel the Petitioners were appointed in June 2000. They worked continuously for almost four years and on 16th June, 2004, the Authority rejected the proposal seeking approval to the appointment of the Petitioners. Pursuant to the said order, the Petitioners were terminated on 6th August, 2004. Again, after following the procedure, they were appointed on 23rd August, 2004. The said appointment is approved by the Authority. The learned counsel submits that the Petitioners are entitled for condonation of break in service of 15 days. The learned counsel relies on the Government Resolution dated 7th January, 2005.

3 The learned AGP submits that the initial appointment was not proper and they were appointed afresh in the year 2004, and as such, the

approval is granted from the year 2004, and the order of termination was also not challenged.

4 We have considered the submissions canvassed by the learned counsel for respective parties. As far as break in service is concerned, it is for the Authority to consider the same after applying all the relevant aspects of the matter. The Petitioners may make application/representation with the Deputy Director of Education seeking relief of condonation of break in service. The Deputy Director of Education i.e. Respondent No.3 shall consider the said representation on its own merits, expeditiously, in accordance with law, considering the relevant Government Resolutions, preferably, within six months.

5 The Petitioners and the Management are entitled to represent themselves before the Deputy Director of Education. The Deputy Director of Education shall after hearing the concerned, take decision, accordingly.

6 Accordingly, the writ petition is disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

ndm