

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

**CONTEMPT PETITION NO.234 OF 2014
IN
WRIT PETITION NO.10544 OF 2012**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.R.S.Pawar, advocate for the petitioner.
Mr.K.G.Patil, Addl. Govt. Pleader for the State.

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA, JJ.**
Date : 02.02.2015.

PER COURT :

1. Heard.
2. Mr.Pawar, learned counsel submits that vide order dated 7.5.2013, this Court in W.P.No.10544/2012, had directed the Respondents to take decision in accordance with Government Resolution dated 15.9.2010 within four (4) months. The learned counsel submits that initially the Respondents were not considering the claim of the petitioner on the ground that the petitioners were appointed after 1.3.2009. However, now in affidavit filed by the Respondents dated 15.12.2014, the Respondents have admitted that the petitioners are appointed prior to 1.3.2009. However, the case is not being considered only on the ground that the proposals of the

petitioners were pending at various stages and as such approval was not granted to the appointments, they are not entitled to the benefit of the Government Resolution dated 15.9.2010 and as such are not absorbed. According to the learned counsel, the same is erroneous. Even according to the coordinator of the office of Directorate of Primary Education, Pune, i.e. Respondent No.3, the appointments of the petitioners are made after following proper procedure and the petitioners are holding the necessary eligibility. The petitioners are required to be absorbed.

3. Mr.Patil, learned Addl. Govt. Pleader submits that the proposals seeking approval to the appointment of the petitioners were never approved and they were pending at different stages. As the proposals were not approved, they could not have been approved for absorption.

4. We have considered the submissions. It is not disputed that the petitioners were appointed prior to 1.3.2009. To decide the proposal within a stipulated period and in the particular manner is not in the hands of the petitioners. It is for the authorities to decide the proposals. The authorities having satisfied themselves that the petitioners are appointed prior to 1.3.2009, it is for the Respondents to decide the said proposal seeking approval to their appointments. The Respondents can not shirk the responsibility in deciding said proposals in accordance with the merit. They are duty bound to

decide the said proposals as the benefit of absorption in service would depend upon the decision on the said proposal seeking approval to the appointments.

5. Considering the above, we pass the following order :

- a) The Respondent-authorities shall decide the proposal seeking approval to the appointments of the petitioners on its own merits expeditiously, preferably within two (2) months from today and if the approvals are granted to the said proposal then shall consider the petitioners for absorption as per the Government Resolution dated 15.9.2010, expeditiously.
- b) The Contempt Petition is accordingly disposed of with aforesaid observations and directions.

(V . L . ACHLIYA, J .)

(S . V . GANGAPURWALA, J .)

Dt..02.02.2015.
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