

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

WRIT PETITION NO.2811 OF 2015

Swati Suresh Lohar .. Petitioner.
Vs.
State of Maharashtra & Ors. .. Respondents.

Mr. C.G. Gavnekar with Mr. G.S. Hiranandani for the Petitioner.
Mr. V.N. Sagare AGP for Respondent Nos.1 to 4.
Mr. N.V. Bandiwadekar with Mr.Sagar Mane for Respondent No.5.

**CORAM : ANOOP V. MOHTA AND
A.K. MENON, JJ.**

DATE : 17TH NOVEMBER, 2015

ORDER:

1. Rule. Rule made returnable forthwith.
2. Heard finally, by consent of the parties.
3. We are inclined to dispose of the present writ petition as the petitioner only has not got the relief of approval from the concerned respondents, as the Management's application/proposal for the same is pending with respondent no.3 since 2011. The petitioner's legal notice was also served with request to consider the case. The statement is made that no decision

whatsoever is received by the petitioner. The learned AGP also conceded that the decision is not yet taken and the same is pending. Such averments are also made in affidavit filed by the concerned respondent. There is no issue that the petitioner along with others was appointed on probation for two years. She completed probation period satisfactorily. The approval was granted for the probation. The management forwarded the proposal for regularisation after completion of probation. The petitioner also got certificate as ideal employee for the year 2011. Therefore, we see no reason for the respondents not to take decision on the application so filed by the management referring to the petitioner's case for approval. Therefore, in the interest of justice and to avoid further delay by keeping all points open, we direct respondent no.3 or such officers to decide proposal/application, as early as possible, and preferably within a period of six weeks in accordance with law.

4. Admittedly, the petitioner has been working since date of appointment as teacher but not received salary since June 2010. This in our view is unacceptable position specifically

when the petitioner or such teacher are admittedly teaching in the school in question. We, therefore, direct the respondents to consider this issue also and release the due payment/salary without further delay. All points are kept open.

5. The petition is accordingly allowed to the above extent. No orders as to the costs.

6. The parties to act on a copy of this order duly authenticated by the registry of this Court.

(A.K. MENON, J.)

(ANOOP V. MOHTA, J.)