

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3674 OF 2015

Baby Basawraj Prachande

...

...Petitioner

v/s.

The State of Maharashtra & ors.

...Respondents

...

Mr.Priyal G. Sarda for the Petitioner.

Ms.S.S.Bhende, AGP for Respondents Nos. 1 & 2.

Mr.Laxman S. Deshmukh for Respondents Nos. 3 & 4.

...

CORAM : ANOOP V. MOHTA &

A.A.SAYED, JJ.

DATED : 19 AUGUST 2015

ORDER:

Rule. Returnable forthwith. Heard finally by consent of parties.

2. Learned Counsel appearing for the Petitioner, supported by the learned Counsel for the Management, states that on vacant post by following due procedure of advertisement on 19 May 2009 the Petitioner was appointed. There was no such case of surplus teacher as per the Management in question. The post was sanctioned post. The post became vacant on account of retirement of one teacher. In this background, by the impugned order dated 13-3-2015 the Education Officer, on the basis of

general statement about surplus teachers in the Solapur District, without assigning any reason rejected the proposal forwarded by the Respondent-Management of the Petitioner.

3. We are inclined to set aside the impugned order basically for want of missing reasons which are essential to decide the claim/proposal of the Petitioner, apart from the admitted position as recorded that the post was sanctioned and vacant at the relevant time. Therefore, the following order is passed:

ORDER

- (i) Impugned order dated 13-3-2015 is quashed and set aside.
- (ii) Respondent No.2 to decide the proposal of the Petitioner forwarded by the Management and as already directed by this Court as early as possible preferably within eight weeks from the date of appearance.
- (iii) The Petitioner/parties to appear before the Respondent No.2 on 2 September 2015 at 11 a.m.
- (iv) Respondent No.2 to decide the case of the Petitioner/Management uninfluenced by the earlier order so passed.

(v) The Petition to stand disposed of in the above terms. Rule discharged. No costs.

Parties to act on an ordinary copy of the order duly authenticated by the Registry.

(A.A. SAYED J.)

(ANOOP V. MOHTA J.)