

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3076/2015

(VITTHAL GOPINATH KODDE **VERSUS** STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri H.N. Potbhare, counsel for the petitioner.
 Shri Amit Balpande, A.G.P. for the R-1 & 2.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : NOVEMBER 18, 2015.

By this petition, the petitioner seeks a direction to the respondents to decide the proposal for grant of approval to the appointment of the petitioner on the post of Peon.

According to the petitioner, though the management had sent the proposal of the petitioner to the respondent no.2- Education Officer on 20.01.2014, the same has not been decided till date.

Shri Balpande, the learned Assistant Government Pleader appearing on behalf of the respondent nos.1 and 2, states by referring to the affidavit-in-reply filed on behalf of the respondent no.2-Education Officer that before appointing the petitioner, the management had not sought the necessary permission from the education authorities. It is stated that in the absence of any permission to fill the post on which the petitioner was appointed, the approval cannot be granted.

We do not find that the respondent no.2-Education Officer has taken any decision on the proposal of the petitioner. Even if the proposal is liable to be rejected, a decision or order on the proposal would be necessary. There is no decision on the proposal sent by the management for granting approval to the appointment of the petitioner. Even if the petitioner is not entitled

to approval, a decision rejecting the proposal should be conveyed to the management. In this case, the respondent no.2-Education Officer has not done so.

Hence, we dispose of the writ petition with a direction to the respondent no.2-Education Officer to decide the proposal of the petitioner within a period of one month and communicate the order to the management within a reasonable time.

Order accordingly. No costs.

JUDGE

JUDGE

APTE