

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4685 OF 2013
AND CIVIL APPLICATION NO. 1672/14

Sameena Parveen Mohd. Sayyad .vs. Education Officer (Primary), Z.P. Wardha
& others

Wasima Begum Syiad Gafur & Mohd. Zamir Mohd. Yosuf - Applicants

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

Court's or Judge's orders

Mr. Anand Deshpande, Advocate for petitioner,
Mr. S.S. Ghate, Advocate for applicants.

CORAM : B.P. DHARMADHIKARI & S.B. SHUKRE, JJ.

DATED : MAY 5, 2015.

Heard Mr. Anand Deshpande, learned Advocate for petitioner and Mr. S.S. Ghate, learned Advocate for applicants in C.A. No. 1672/14.

Proposal submitted by respondent nos. 2 & 3 seeking approval to appointment/services of petitioner has been rejected on 27.5.2013 by respondent no.1. The only reason is the management did not submit proposals of employees earlier recruited by it. Shri Deshpande is disputing the correctness of this reason.

Mr. S.S. Ghate, learned Advocate for applicants in C.A. No. 1672/14, submits that two applicants mentioned therein have jointed employment on 3.8.2008 while present petitioner has joined on 26.6.2010. Respondent nos. 2 & 3 have submitted proposals for granting approval to appointment of two applicants in Civil Application and those proposals are still not decided by respondent no.1.

According to him, if all proposals are directed to be considered simultaneously, the problem can be resolved.

Mr. Anand Deshpande, learned Advocate for petitioner as also Mr. S.S. Ghate, learned Advocate for applicants submit that respondent no.1 has nowhere informed that respondent nos. 2 & 3 have made appointment in excess of sanctioned strength. Nobody has appeared for respondent nos. 1 to 3. In fact, petition was dismissed against respondent no.1 in default but has been restored on 4.4.2014. Respondent no.1 is served again. Thereafter, however, respondent no.1 has not chosen to appear and has not filed any reply.

According to Mr. Ghate, proposals submitted by management seeking approval to appointment of applicants in C.A. No. 1672/14 were already pending on 27.5.2013.

In this situation, as respondents have chosen not to appear and cooperate, we dispose of present Writ Petition with a direction to respondent no.1 to reconsider proposals submitted to it by respondent nos. 2 & 3 for granting approval to appointment of present petitioner. Simultaneously, he shall also look into the proposal submitted by management seeking approval to appointments of two applicants, namely, Wasima Begum Syiad Gafur and Mohd. Zamir Mohd. Yosuf.

The parties before this Court including intervenors are directed to appear before respondent no.1 for said purpose on 22.5.2015. The respondent no.1 shall proceed to hear parties, peruse records of management and thereafter take necessary decision on the question of approval within next six weeks. The applicants in C.A. No. 1672/14 have independently filed a Writ Petition vide W.P. No. 5377/14 seeking a direction to respondent no.1 to expedite consideration of their

proposal.

Civil Application No. 1672/14 is allowed. Necessary amendment showing applicants as intervenors be carried out forthwith.

Leaving all rival contentions open and with these directions, the Writ Petition is partly allowed and disposed of. No costs.

Judge

Judge

J.