Dixit

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.881 OF 2014

Dhondiba Bhiva Kamble .... Petitioner
V/s.
Chairman / Secretary,
Parle Tilak Vidyalaya Association,
Vile Parle (East), Mumbai & Ors. .... Respondents

Mr. Suresh T. Mane for the Petitioner.

Mr. A.A. Joshi a/w. Ms. Sarika Mehra, i/by M/s. Lg Law, for Respondent Nos.1 and 2.

Mr. Rui A. Rodrigues for Respondent No.3.

Mr. V.B. Thadani, A.G.P., for Respondent Nos.4 & 5.

CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 7TH MARCH 2016.

P.C. :

1. Heard learned counsel for the parties.

2. This Petition is filed seeking direction to Respondent Nos.1 and 2 to give an effect to the resolution passed by the Mumbai University promoting Petitioner to the post of 'Senior Clerk' w.e.f. 1st May 1997.

3. In support of his claim, Petitioner relies upon the decision of the Grievance Committee of University of Mumbai communicated to

Respondent No.2-College on 8th December 2004. The said decision was taken to promote Petitioner to the post of 'Senior Clerk' w.e.f. 1st May 1997; however, the same was made subject to the approval from the Joint Director, Higher Education, State of Maharashtra. The Petitioner does not dispute that, as of today, the Joint Director, Higher Education, State of Maharashtra, has not granted approval to the said decision. Therefore, this Petition is pre-mature.

4. The counsel for the Petitioner, however, invited our attention to the meeting held on 3rd September 2013 in the office of the Joint Director, Higher Education, State of Maharashtra. The copy of the minutes of the said meeting is annexed to the Petition at page No.79. Having perused the same, we find that the decision was taken in the said meeting that Respondent No.2-College shall send proposal for Petitioner's time bound promotion. The counsel for Respondent Nos.1 and 2 states that such proposal has already been sent.

5. Learned A.G.P., however, states that he is unable to state whether decision on this proposal is taken or not.

6. In the circumstances, we direct the Joint Director, Higher Education,

State of Maharashtra, to consider the proposal for time bound promotion of the Petitioner, sent by Respondent Nos.1 and 2 and take decision regarding grant of approval to the resolution passed by the Management Council of the University of Mumbai on 29th October 2004 . The decision shall be taken as expeditiously as possible and preferably within four weeks from the date of receipt of this order.

7. All points and contentions of respective parties are expressly kept open.

8. The Petition is disposed of in above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.] **[RANJIT MORE, J.]**