

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

WRIT PETITION NO.5682 OF 2015

Devendrar Jayram Behere
V/s.
President
Shahapur Taluka Education
Society & Ors.

.. Petitioner

.. Respondents

**WITH
WRIT PETITION NO.648 OF 2014**

Dhanraj Walchand Chavan
V/s.
The State of Maharashtra & Ors.

.. Petitioner

.. Respondents

.....

Mr. Mandar Limaye, Advocate for the Petitioner in W.P.No.5682 of 2015 and for Respondent No.7 in W.P. No.648 of 2014.
Mr. Vikas Mali, AGP for Respondent – State.
Mmr. A.R. Kapadnis, Advocate for the Petitioner in W.P. No.648 of 2014.

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**CORAM : SHANTANU S. KEMKAR AND
PRAKASH D. NAIK, JJ.**

DATED : DECEMBER 19, 2016.

P.C. :

By filing of this petition, the petitioner has challenged the order dated 30th March, 2015 (Exhibit-E) passed by the Deputy Director of Education keeping the management proposal for approval of the petitioner on the post of Assistant Teacher pending in view of the pendency of writ petition no. 648

of 2014. Having gone through the said order dated 15th April, 2014 passed in Writ Petition No.648 of 2014 on Civil Application No.651 of 2014, we find that a specific observation has been made by the learned Single Judge that the Education Authorities are not precluded from considering the proposal of approval of Mr.Behere, subject to final outcome of the petition. In the circumstances, when the learned Single Judge has made it empathetically clear that pendency of the writ petition would not preclude the Education Authority from considering the proposal of approval, it was not appropriate for the Deputy Director, Education to kept the petitioner's matter for approval pending by observing that since Writ Petition No.648 of 2014, is pending proposal of the approval cannot be considered. The observations made by the Deputy Director of Education runs contrary to the orders passed by the learned Single Judge. In the circumstances, we set aside the impugned order and remit the matter back to the Deputy Director of Education to decide the petitioner's claim on merits in accordance with law. The decision as may be taken will be subject to result of writ petition no.648 of 2014 as already observed by the learned Single Judge.

2 With the aforesaid directions, we dispose of the petition.

3 The Deputy Director of Education to take the decision as aforesaid as expeditiously as possible but not later than six weeks from the date of receipt of the copy of this order.

4 Writ Petition No.5682 of 2015 is disposed of.

5 Writ Petition No.648 of 2014 be listed before appropriate Bench.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)