

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

WRIT PETITION NO.6811 OF 2014
WITH
CIVIL APPLICATION NO.2260 OF 2015
IN
WRIT PETITION NO.6811 OF 2014

Mrs. Uma Vijaysingh Rajput	...	Applicant/Petitioner
V/s.		
State of Maharashtra & Ors.	...	Respondents

Mr. Nitin Kulkarni a/w Mr. Avinash R Belge for the Applicant/Petitioner.
Mr. Vikas Mali, AGP for the State/Respondent No.1.
Mr. S.S. Shah for Respondent Nos.2 and 3.

**CORAM : NARESH H. PATIL AND
A.A. SAYED, JJ.**

7th January, 2016.

P.C.

1 Petitioner claims that initially she was appointed as a Librarian in the year 1995 and was working in Shri Sant Dnyaneshwar Madhyamik Vidyalaya (Marathi Medium), Kothrud, Pune. The Petitioner did not get any approval to the post as a Librarian. The Petitioner placed reliance on the some correspondence made by the Management based on which it is contended that it could be held now that the Petitioner was appointed as a Librarian in the year 1995. Learned Counsel admits that the Petitioner is not in a position to produce any appointment order as such and the contentions are raised on the correspondence which is annexed to this Petition. Learned Counsel submits that by communication dated 17 August 2011 the Education Officer communicated to the Management that the approval cannot be granted to the Petitioner's service. The Petitioner seeks to challenge

the said communication in the proceedings of the present Writ Petition by filing a Civil Application No.2260 of 2015.

2 The learned Counsel for the Petitioner further submits that as the Management transferred the Petitioner from Pune to Latur, the proceedings were initiated in Industrial Court, Pune and the said proceedings are still pending.

3 Learned Counsel appearing for the Respondent Management seriously disputes that the Petitioner was appointed as Librarian in the year 1995. No such appointment order was issued in favour of the Petitioner. Learned Counsel submits that the disputed questions and facts are raised in this Petition. The Industrial Court is ceased of the matter where the Petitioner could raise relevant issues. Learned Counsel further submits that the Education Officer has refused the approval of the Petitioner's services.

4 We have perused the record and considered the submissions. The issue relates to service conditions of the Petitioner. The Petitioner's claims that she has been appointed as Librarian in the year 1995, which fact is seriously disputed. In the facts we do not find it appropriate to deal with the issues relating to service of the Petitioner with the Respondent Management since the year 1995 onwards till the date of refusal of the approval by the Education Officer. Several disputed questions of fact emerge from the record. We, therefore, pass following order:

ORDER

1 In case, the Petitioner files a comprehensive representation before the Deputy Director of Education, Pune within four weeks from

today, we direct the Deputy Director of Education, Pune to look into the matter, record and after hearing the concerned parties pass a brief reasoned order.

2 All issues on merits are kept open. We have not expressed any opinion on the merits.

3 Writ Petition is disposed of. No orders as to costs.

4 In view of the disposal of the Writ Petition nothing survives in the Civil Application bearing No.2260 of 2015. The same is also disposed of.

(A.A. SAYED, J.)

(NARESH H. PATIL, J.)