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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8835 OF 2015

Shri Gurunath Rangrao Sutar ... Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. N.N. Bandiwadekar a/w Mr. Sagar A. Mane for the petitioner.

Mr. Bhushan Kakade, AGP for respondent nos. 1 and 2 State.

**CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.
DATED : AUGUST 16, 2016.**

P.C.

Petitioner claims that he was appointed as Shikshan Sevak initially for the period of three years by order dated 10.4.2012. Thereafter, his appointment was duly approved by respondent no.2 Education Officer by order dated 16.1.2015. Thereafter, on completion of three years period, respondent no. 3 Management after considering petitioner's entire record to be satisfactory, appointed him as Assistant Teacher on the pay scale by order dated 10.6.2015. The said appointment was sent by respondent no.3 Management for approval before respondent no. 2. However, on the basis of a complaint, the second respondent

sought reply from the petitioner as also from the Management. After receiving the reply, second respondent issued show cause notice to the petitioner as to why the approval granted to him as Shikshan Sevak be not cancelled. In response to the said show cause notice, petitioner submitted his reply. The Management also submitted its reply in regard to the complaint raised by one Sanjaysingh Bnapurao Desai. The grievance of the petitioner is that inspite of much time having been elapsed, respondent no.2 has not taken any decision in regard to petitioner's matter for approval and/or in regard to the complaint to which reply has already been submitted by the petitioner as also by the respondent no. 3 Management.

2. Keeping in view the fact that the matter is pending before the second respondent in regard to the approval as also in regard to the complaint made by Sanjaysingh Bapurao Desai, we are inclined to dispose of this petition by directing respondent no. 2 to examine the entire matter and take appropriate decision in regard to the aforesaid proposal for approval as also for cancellation of the approval of the petitioner on the post of Shikshan Sevak, in accordance with law. Let the decision as aforesaid be taken by respondent no. 2 within two months from the date of receipt of copy of this order after giving due opportunity of hearing to all

concerned. Needless to say that we have not expressed any opinion about the merits of the matter and respondent no.2 shall be free to decide the matter in accordance with law.

The Petition is disposed of.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)