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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 13037 OF 2016**

Naresh Pandurang Padwal ... Petitioner

Versus

Chairman/Secretary Jana Seva
Shikshan Mandal & Ors. ... Respondents

Mr. Mandar Limaye for the petitioner.

Mr. A.A. Garge for R. No. 1.

Ms. Nisha Mehra, AGP for R. nos. 3 and 5.

Mr. Asif Patel for R. No. 4.

**CORAM : SHANTANU KEMKAR &
PRAKASH D. NAIK, JJ.**

DATED : DECEMBER 07, 2016.

P.C.

Parties through their counsel.

2. Feeling aggrieved by the order dated 29.9.2016 passed by respondent no. 3 Education Officer, by which the approval has been granted in favour of respondent no. 4, the petitioner had submitted a representation before higher Authority i.e. Deputy Director and since nothing was done, petitioner had approached this Court by filing this writ petition under Article 226 of the

Constitution of India. The grievance of the petitioner is that though he is senior to respondent no. 4, his claim has not been considered and respondent no. 4 has been granted approval. Learned counsel appearing for respondent no.4 however, disputes this position. According to him, as per the requisite qualification for the post, the fourth respondent is eligible person for being approved for the said post and therefore, there was no illegality in the impugned order.

3. Today when the matter came up for hearing, learned counsel for the petitioner has made a limited prayer that this petition may be disposed of by directing the Deputy Director, Education, Mumbai to consider and take appropriate decision in regard to the petitioner's representation dated 14.10.2016 Exh. H in accordance with law, keeping in view the respective claims of the parties. The aforesaid prayer is not opposed by the respondents.

4. In view of the aforesaid, we dispose of this petition by directing the Deputy Director to consider the petitioner's grievance and take appropriate decision in regard to his grievance which is reflected in Exh. H. Before taking any decision, the Deputy Director shall give opportunity of hearing to all concerned

including the petitioner as also respondent no. 4. Parties to appear before the Deputy Director on 22.12.2016 at 3.00 p.m. The Deputy Director shall hear the matter on that date or any other day within two weeks and shall pass appropriate orders in the matter in accordance with law within three months from the date of appearance of the parties. All the contentions and rights of the parties are kept open.

5. With the aforesaid directions, petition is disposed of.

(PRAKASH D. NAIK, J.)

(SHANTANU KEMKAR, J.)