

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3666 OF 2015

[Bharat Shikshan Prasarak Mandal and others .vs. Assistant Commissioner and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.R. Deshpande, counsel for the petitioners,
Shri P.S. Tembhare, A.G.P. for respondent nos.1 and 2,
Shri P.D. Meghe, counsel for respondent no.3.

CORAM : SMT. VASANTI A NAIK AND
KUM. INDIRA JAIN, JJ.

DATED : AUGUST 19, 2016.

By this writ petition, the petitioners seek a declaration that the act of the petitioners in treating the respondent no.3 in open category is legal and justified. The petitioners have sought a direction against the respondent no.1- Assistant Commissioner, Amravati not to refuse approval of the roster on the ground that the respondent no.3 is shown in open category.

Shri Tembhare, the learned Assistant Government Pleader appearing on behalf of the respondent no.1, states that the petition is premature. It is stated that no decision is yet taken on the request for approval of the roster. It is stated that since there were some deficiencies in the proposal submitted by the petitioners, the respondents have asked the petitioners to cure the deficiencies. It is stated that if the petitioners are of the view that the deficiencies cannot be cured and the approval of the roster is still required, the petitioners may so convey to the respondent no.1 and the respondent no.1 may take a decision on the request for approval of roster in accordance with law.

We uphold the preliminary objection raised on behalf of the respondent no.1. The petition is premature. The proposal

for approval of the roster is neither granted nor rejected by the respondent no.1. If the petitioners were asked to cure some deficiencies and if, according to the petitioners, the deficiencies cannot be cured, the petitioners may so convey to the respondent no.1 and seek a decision on the proposal. Since the petitioners have already conveyed to the respondent no.1 that the deficiencies cannot be cured, the respondent no.1 may take an appropriate decision in the matter of approval of the roster within one month.

Hence, we dispose of the writ petition only with a direction to the respondent no.1 to decide the proposal of the petitioners for approval of the roster, as per its present status within one month. Order accordingly. No costs.

JUDGE

JUDGE

CERTIFICATE

“I certify that this order uploaded is a true and correct copy of original signed order.”

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