

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

Writ Petition No. 4594 of 2015

Prashant s/o Pandurangji Ujawane

Vs.

State of Mah. through its secretary, Department of School Education and Sports, Mumbai and others.

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

Court's or Judge's orders.

Shri K.S. Malokar, counsel for petitioner.

Shir Rao, AGP for respondent nos. 1 & 2.

Shir N. Khambokar, counsel for respondent nos. 3 & 4.

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.**

DATE : 4th April, 2016.

Prima facie, it appears that advertisement in response to which petitioner came to be recruited has not been published with previous approval of education department. Counsel for petitioner submits that employer has sought permission and the proposal therefor was forwarded to State.

The appointment has been made in May, 2014 and petitioner is working without any salary as there is no approval.

Learned AGP relying upon reply affidavit urged that since there was ban on recruitment, the recruitment could not itself have been undertaken.

The respondent management i.e.

respondent no. 3 & 4 have pointed out that they have been allowed by department to proceed with the recruitment. Respondent nos. 1 & 2 also have not filed any specific affidavit stating that they have not permitted respondent nos. 3 & 4 to proceed with recruitment.

In this situation, we direct respondent nos. 3 and 4 to deposit half salary of petitioner in a bank account within period of four weeks from today and to produce proof thereof in office of respondent no. 2 Education Officer. If such proof is produced, the respondent no. 2 shall hear petitioner as also management and take suitable decision on the proposed approval submitted by respondent no. 4 within next six months.

With these directions, we dispose of writ petition. No costs.

JUDGE

JUDGE