

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

WRIT PETITION NO. 566 OF 2015

Manoj Ganpat Khonde

-vs-

State of Maharashtra, thr.its Secretary, Social Justice Deptt.and others

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

Court's or Judge's Orders.

Mr. P. A. Gode, counsel for the petitioner.
Mr. K.L.Dharmadhikari, AGP for the respondent Nos.1 to 4.
Mr. Anand Parchure, counsel for the respondent Nos.5 to 7.

CORAM : SMT. VASANTI A. NAIK &
A.S.CHANDURKAR, JJ.

DATE : 24.02.2016.

By this petition, the petitioner seeks a direction to the respondent No.5-Society to forward the proposal of the petitioner for approval to his appointment on the post of Craft Teacher to the respondent Nos.3 and 4. The petitioner seeks a further direction to the respondent Nos.3 and 4 to grant approval to the appointment of the petitioner on the post of Craft Teacher from 1998.

The petitioner claims to have been appointed as a Craft Teacher in the school run by the respondent No.5-Society in the year 1998. At the relevant time, the school was not on grant-in-aid and it was brought on grant-in-aid in the year 2004. According to the petitioner, though the Management had sent a proposal in respect of the appointment of the petitioner to the respondent Nos.3 and 4 after his appointment, the respondent Nos.3 and 4 had not taken any action on the same. It is stated that it would be necessary to again direct the respondent No.5 to send the proposal in respect of the petitioner's appointment to the respondent Nos.3 and 4 for grant of approval.

Shri Parchure, the learned counsel for the respondent No.5, states by referring to the affidavit-in-reply filed on behalf of the respondent No.5 that the claim of the petitioner is time barred. It is stated that a direction cannot be sought against the Management to send the proposal for grant of approval to the petitioner's appointment from the year 1998 by filing a writ petition in the year 2015. It is stated that the petitioner has ceased to work in the school run by the respondent No.5 from 2013. It is stated that the respondent No.5 has paid the salary that was payable to the petitioner for the period from 2005 to 2013 during which the petitioner worked in the school run by the respondent No.5. It is stated that since the petitioner is not working in the school run by the respondent No.5, there is no question of forwarding the proposal of the petitioner to the respondent Nos.3 and 4.

On hearing the learned counsel for the petitioner and the respondent Nos.5 to 7, it appears that there is a serious dispute whether the petitioner is still working in the school run by the respondent No.5. If the petitioner has ceased to work in the school managed by the respondent No.5, since 2013, a direction cannot be issued to the respondent No.5 to send the proposal of the petitioner's appointment to the respondent Nos.3 and 4 for grant of approval. In the circumstances of the case, we decline to grant the relief as sought by the petitioner. The writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

KHUNTE