

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 59 OF 2016

Surekha Bhila Thakare .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr.Y.B.Bolkar, Advocate for the petitioner.

Mr.P.S.Patil, AGP for respondent/State.

Mr.R.s. Pawar, Advocate for respondent No.4.

Mr.N.L.Choudhari, Advocate for respondent No.5

Mr.V.D. Sapkal, Advocate for respondent No.6.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 03.10.2017

P.C. :-

1. Mr. Bolkar, learned Counsel submits that the petitioner would restrict present petition to the extent of directions to the authorities to consider the proposal with regard to condonation of break in service, as other reliefs would be subject to the same.

2. Mr. Sapkal, learned Counsel submits that the petitioner was already terminated. Said termination was not set aside and on humanitarian ground, the petitioner was appointed by the respondent. We have also heard learned A.G.P.

3. Condonation of break in service can only be considered by the Director or the State.

4. The petitioner may file fresh proposal/representation seeking condonation of break in service as is contended by the petitioner. The same shall be forwarded by the Education Officer to the Director of Education within a period of four weeks from the date of receipt of proposal from the petitioner. The Director of Education and/or the State as the case may be, shall take decision on the said representation for condonation of break in service on its own merit, in accordance with law expeditiously, preferably within six months from the date of receipt of said representation by them. The parties are at liberty to present themselves before the authorities.

5. The writ petition is accordingly disposed of. No costs.

[S . M . GAVHANE , J .]

[S . V . GANGAPURWALA , J .]