

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

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

Court's or Judge's orders

WRIT PETITION NO. 5855 OF 2018

RAJENDRA GANESH SAMDANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner: Mr. P.B. Patil
AGP for respondent/State : Mr. K.N. Lokhande
Advocate for Respondent No.3 : Mr. M.K.
Goyanka

Advocate for Respondent No.4: Mr. G. Patil
Advocate for Respondent Nos.5 and 6 : Mr. R.R.
Mantri holding for Mr. R.R. Sancheti

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CORAM: S.S. SHINDE & K.K. SONAWANE, JJ.

Dated: November 22, 2018

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This Petition is filed with the
following substantive prayer :-

“(B) By writ of mandamus or any other kind
of appropriate writ like nature or orders
and directions, directions may kindly be
given to the Respondent No.3 Education
Officer (Primary) Zillha Parishad,
Jalgaon to grant necessary approval

forthwith to the appointment of the petitioner on the post of Primary Assistant Teacher from N.T. © category w.e.f. 12/11/2012 on pending approval proposal dated 12/11/2012 annexed at Exhibit F and to release pending salary w.e.f. 12/11/2012 for that purpose this Hon'ble Court may pass appropriate order or direction."

2. Learned counsel appearing for Respondent Nos.5 and 6 has tendered across the Bar letter dated 01.07.2013 written by the Education Officer (Primary), Zilla Parishad, Jalgaon to the Headmaster, R.S. Jaju Primary School, Erondol, Tq. Erondol, Dist. Jalgaon. The same is taken on record and marked "X" for identification purpose.

3. Upon perusal of the contents of the said letter, it appears that the proposal bearing Outward No.349 dated 12.11.2012 filed by the school for approval was turned down by the Education Officer (Primary) and the said proposal was sent back to the concerned Institution.

4. Learned counsel appearing for the

petitioner submits that during pendency of this Petition also the Education officer has passed the further orders and refused to grant the approval.

5. In the light of the above, we are unable to persuade ourselves to grant any relief in the present Petition. Hence the Petition stands rejected.

We clarify that it may be open for the petitioner to challenge the letter written by the Education officer or the order passed during pendency of this Petition, as permissible in law. This Court has not expressed any opinion about the alleged letter.

(K.K. SONAWANE, J)

(S.S. SHINDE, J)