

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.13807 OF 2018

Maroti s/o Kondiba Shitale,
Age-5 years, Occu:Service as
Assistant Teacher,
R/o-Vazirabad, Nanded,
Tq. & Dist-Nanded.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
School Education Department,
Mantralaya, Mumbai-32,
- 2) The Deputy Director of Education,
Latur Division, Gandhi Chowk,
Latur,
- 3) Nanded Mahila Shikshan Sanstha,
Vazirabad, Nanded, Tq. & Dist-Nanded,
Through its President/Secretary,
- 4) Khorshedbanu Rustomji Mewawala
Mahila Arts and Commerce Jr. College,
Vazirabad, Nanded, Dist-Nanded,
Through its Head Master,
- 5) Director of Education,
Secondary and Higher Secondary,
Maharashtra State, Pune

...RESPONDENTS

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Mr.V.S. Panpatte Advocate for Petitioner.

Mr.A.B. Chate, A.G.P. for Respondent Nos.1 to 5.

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**CORAM: S.S. SHINDE AND
K.K. SONAWANE, JJ.**

DATE : 12TH DECEMBER, 2018

ORDER :

1. At the outset, learned counsel appearing for the Petitioner makes oral prayer so as to add the Director of Education, Maharashtra State, Pune as party Respondent. Prayer granted. Amendment to be carried out forthwith.

2. Learned counsel appearing for the Petitioner submits that after issuance of advertisement and following due process of law as contemplated under Section 5 of the M.E.P.S. Act, the Petitioner has been appointed as Shikshan Sevak by order dated 19th June, 2013, for the period of three years w.e.f. 20th June, 2013 to 19th June, 2016. Learned counsel further submits that

the Petitioner has satisfactorily completed the said period of three years as Shikshan Sevak and thereafter working as Assistant Teacher. Learned counsel further submitted that Respondent No.4 submitted the proposal for grant of approval to the appointment of the Petitioner as Shikshan Sevak and thereafter as Assistant Teacher, to Respondent No.2 – the Deputy Director of Education, Latur Division, Latur. Learned counsel further submits that in fact Respondent No.2 has recommended and forwarded the said proposal to Respondent No.5 – Director of Education, however Respondent No.5 has not taken any decision on the said proposal.

3. Since there is an innocuous prayer, we direct Respondent No.5 – Director of Education, Secondary and Higher Secondary, Maharashtra State, Pune, to decide the proposal forwarded by Respondent No.2 – the Deputy Director of Education, Latur Division, Latur, on 12th

September, 2018, as expeditiously as possible, however within six weeks from today and communicate the said decision to Respondent No.2 and in turn, Respondent No.2 to communicate the said decision to Respondent Nos.3 and 4, and also to the Petitioner.

4. We make it clear that we have not expressed any opinion on the merits of the contentions raised in the Petition and it is for Respondent No.5 to take appropriate decision on the proposal on its own merits.

5. With the above observations, Writ Petition stands disposed of.

6. Parties to act upon authenticated copy of this order.

7. Learned A.G.P. appearing for the State, assures this Court that copy of this order will be

sent through the office of the Government Pleader,
High Court, Aurangabad Bench, to the office of
Respondent No.5 by fastest mode of service such as
Fax/E-mail/Courier.

[K.K. SONAWANE, J.]

asb/DEC18

[S.S. SHINDE, J.]