

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO. 13755 OF 2017

Varadhaman Kumar Dige ... Petitioners

Versus

State of Maharashtra and Ors. ... Respondents

Mr. Mandar Bagkar i/by Mr. Chetan G. Patil for the petitioners.

Mr. Sandeep Babar, AGP for the respondent nos. 1 to 3 State.

**CORAM : SHANTANU KEMKAR &
M.S. KARNIK, JJ.**

DATE : MAY 03, 2018

P.C.:

Petitioner claims that he is working on the post of librarian with 5th respondent High school. His grievance is that inspite of proposal for his appointment on the post of librarian was sent by the 5th respondent, High school to third respondent, Education Officer on 1.11.2014, the same has not been considered and no decision has been taken on it by the third respondent. Learned AGP submits that the reply has been filed in which it has been stated that there is infirmity in the appointment of the petitioners and as such the matter has been referred by the Education Officer to the Commissioner (Education).

2. Having considered the aforesaid submissions, we are of the view that the proposal is required to be considered by the third respondent Education Officer himself and there is no need to refer the matter to the Commissioner. As a result, we dispose of this petition by directing third respondent Education Officer to consider and take appropriate decision on the petitioner's representation. While taking the decision as aforesaid, third respondent Education Officer shall take into consideration the law laid down by the Division Bench of this court in W.P. No. 12424 of 2016, Girija Abhijit Ghorpade Vs. State of Maharashtra and Ors decided on 26.10.2016 and in the case of Nicholas Piedade Rodrigues Vs. State of Maharashtra and Ors in W.P. No. 3681 of 2017 decided on 27th April, 2017. The decision as aforesaid be taken by the third respondent Education Officer within three months from the date of receipt of copy of this order uninfluenced by the stand taken by the respondent State in its reply.
3. With the aforesaid directions, writ petition is disposed of.

(M.S. KARNIK, J.)

(SHANTANU KEMKAR, J.)