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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 3428 OF 2018

Dilip Mohan Desai ... Petitioner
Vs.
State of Maharashtra, through
the Principal Secretary & Ors. ... Respondents

Mr. Chetan G. Patil, for the Petitioner.
Mr. M. M. Pable, AGP for the Respondent Nos. 1 & 2 – State.
Mr. Mandar Bagkar for Respondent No. 3 & 4.

CORAM : R. M. BORDE &
V. M. DESHPANDE, JJ.

DATE : JULY 25, 2018

PC :-

1. Petitioner was appointed as a peon in the school operated by Respondent No. 4 since 5.4.2017. The proposal seeking approval to the appointment of the Petitioner was submitted by Management / institution to the Respondent No. 2. However, for a considerable period, no decision was taken by the Education Officer, and the proposal forwarded came to be returned back by the Education Officer to the Management /

institution for the reason that the State Government has not issued revised instructions.

2. The Education Officer has sought guidance from the State Government vide communication 24th May, 2018. It is for the Education Officer (Secondary) to take decision as regards the grant of approval to the appointment of the Petitioner, and his decision cannot be dependent upon the guidance, as requested by the Education Officer, from the State Government. It is for the concerned Education Officer to take appropriate decision in accordance with the the law. In the circumstance, we direct the Education Officer (Respondent No. 2) to take appropriate decision in the matter as expeditiously as possible, preferably within a period of two months from today. Accordingly writ petition is disposed of in the aforesaid terms.

Sd/-
[V. M. DESHPANDE, J.]

Sd/-
[R. M. BORDE, J.]

Vinayak Halemath