

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

WRIT PETITION NO.1998 OF 2019

DEVIDAS DHONDIBA TEKALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Satyajit S. Bora, Advocate for the petitioner
Mr.K.N.Lokhande, AGP for the respondents/State

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 06.03.2019

P.C. :-

. Heard learned counsel for the petitioner.

2. As the limited grievance raised in the petition and accordingly consequential prayer is made in the petition i.e. prayer clause-B, the petition is taken up for hearing disposal at the admission stage.

3. Facts which are not in dispute are; in the earlier round of litigation the petitioner approached this Court by way of writ petition No.823/2004. The said writ petition was decided by this Court by way of detail judgment and order dated 16.01.2018. Though the petition was allowed in terms of prayer clause-C the Division Bench of this Court was pleased to observe that grant

writ petition in terms of prayer clause (c) save that petitioner would not be able to claim difference in salary till 2006 as observed in decisions in writ petition Nos.2732 of 2013 and 7779 of 2012. The petitioner being aggrieved by this saving filed review application. The Division Bench of this Court allowed the review application by order dated 23.08.2018 by modifying the order and deleting the sentence and further clearly observed that the petition stands granted in terms of prayer clause-C. The petitioner then made representation to the Education Officer (Secondary), Zilla Parishad, Ahmednagar and to the President /Secretary of the Society namely Shri Gorakshanath Vidya Prasarak Mandal on 15.10.2018. It seems that on receiving the representation the Education Officer (Secondary) immediately forwarded the proposal to the Deputy Director of Education on 15.11.2018. Perusal of this communication shows that the Education Officer provided relevant information and apprised the Deputy Director of Education that in view of the order of this Court it would be necessary to create the post of full time Librarian and then requested the authority to take further action. Alongwith this communication the Education Officer (Secondary) annexed the order of this Court in the writ petition as well as in the review application. Mr.Bora, learned counsel

submitted that in spite of such a detail information being provided to the Deputy Director of Education by way of communication dated 15.11.2018 no steps are taken by the concerned office to pass appropriate orders and this delay is causing prejudice to the petitioner.

4. This being the limited grievance, the petition is disposed of with direction to respondent No.2 Deputy Director of Education to pass appropriate orders on the proposal/communication dated 15.11.2018 submitted to him through respondent No.3 the Education Officer (Secondary), Zilla Parishad, Ahmednagar. In view of detail communication submitted through the Education Officer (Secondary), Zilla Parishad, Ahmednagar alongwith copies of the order of this Court and necessary information we accept that the Deputy Director of Education will not raise technical hurdles and would pass appropriate orders expeditiously and not later than 12 weeks from the date of order of this Court.

5. With the above observations and directions the writ petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]