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

WRIT PETITION NO.1750 OF 2019

Sunil Onkar Landge

Age: 37 years, Occ. Service,

R/o Acharya Vinoba Bhave Junior College,

Banvas, Ta.Palam, Dist. Parbhani

..PETITIONER

VERSUS

- 1) The State of Maharashtra
Through its Secretary,
Social Justice and Special Assistance Department
Mantralaya, Mumbai -32
 - 2) The Director,
Vimukta jati, Nomadic Tribes,
Other Backward Class and Special Backward Class
Welfare, Maharashtra State, Pune
 - 3) The Regional Deputy Commissioner,
Social Welfare Division, Aurangabad.
 - 4) Suryodaya Sevabhavi Sanstha, Banvas,
Ta. Palam, Dist. Parbhani
Through its Secretary / President
 - 5) Acharya Vinoba Bhave Junior college,
Banvas, Ta. Palam, Dist. Prabhani,
Though its Headmaster
 - 6) Tukaram Vithal Sontakke
Age: Years, Occ. Service
R/o Acharya Vinoba Bhave Junior College,
Banvas, Ta. Palam, Dist. Parbhani
- ..RESPONDENTS

Mr D. S. Kudle, Advocate for Petitioner;

Ms R. P. Gaur, A.G.P. for Respondent Nos.1 to 3

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

(2)

DATE : 27th February, 2019**ORAL ORDER:**

Heard learned Counsel appearing on behalf of the petitioner.

2. At the outset, learned Counsel for the petitioner orally prays for an amendment to the petition by correction. It is submitted that inadvertently, reference is made to Shri Rajesh Pundlikrao Sonkamble as respondent No. 6 in the title clause of the petition, instead of Shri Tukaram Vithal Sontakke. In the order dated 14th October, 2018, name of respondent No.6 - Shri Tukaram Vithal Sontakke finds place serial No.6. The petitioner has also placed on record appointment order dated 1st July, 2012, issued in favour of respondent No.6 - Tukaram Vithal Sontakke. It is also submitted that in prayer clause (C), year of order of respondent No.3 is missing and as such, learned Counsel prays for amendment. The oral prayer is allowed. Amendment be carried out forthwith.

3. The petitioner is before this Court with basic prayers i.e. prayer clauses (B) and (C), which read thus:

"B. By issuing any appropriate writ, direction and order the respondent no. 4 and 5 be directed to submit the proposal of the petitioner for sanction the approval to the appointment of petitioner and for that purpose necessary direction be issued.

(3)

C. The sanction of approval to the appointment of the respondent no.6 by the respondent no. 3 vide order dated 14/10/2018 may kindly be quashed and set aside and for that purpose necessary directions be issued."

4. Considering the material placed on record on the backdrop of the submissions of the learned Counsel, we are of the opinion that the petition can be disposed of with directions on the fact situation submitted before us.

5. The petitioner was appointed on 15th June, 2010. A copy of the appointment order is placed on record. The petitioner was regularized by an order dated 20th August, 2014.

6. Learned Counsel for the petitioner, by inviting our attention to the documents placed on record at Exh.'C', submitted that the petitioner actually participated in the extra-curricular activities for the students, such as, science exhibition and also assisted the election authorities in the process of election. A representation dated 25th April, 2016 is placed on record at Exh.'E'. Perusal of this document shows that a proposal for grant of approval to the appointment of the petitioner was submitted by the institute on 15th March 2014 and the same was pending before the authority. On perusal of other documents placed on record, it reveals that by order dated 14th October, 2018, the Education authorities considered the proposal for appointment or continuity of service of as many as eight persons.

7. The submission is, on the same post the institute appointed two persons. The petitioner has raised grievance by way of the representations dated 3rd May, 2016, 30th May, 2016 to the Assistant Commissioner, Social Welfare Department, Aurangabad and District Social Welfare Officer, Parbhani, respectively. The petitioner has also submitted a reminder to the Commissioner, Aurangabad on 16th August, 2016. It was the submission of the Counsel that initially the petitioner was assured by the institute to take appropriate steps, as such, the petitioner was hopeful of a positive outcome in regard to his grievance, but even after a considerable period when there was no positive response, he was left with no choice but to approach this Court.

8. Considering the fact that the petitioner is approaching this Court belatedly, as the representation was submitted to the authority and a reminder submitted to the authority, we are of the opinion that the petition can be disposed of with directions to respondent No.3 to decide the representation dated 3rd May, 2016, if not decided till date on its own merits, as early as possible and not later than 12 weeks from the date of the order of this Court.

(5)

9. We further make it clear that this Court has not expressed any opinion on the merits of the representation, leaving that assessment of merits to respondent No.3.

With these directions / observations, the petition is disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

sjk