

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

WRIT PETITION NO. 5418 OF 2018

Sunil Raghunath Patil

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Ajay G. Talhar, Advocate for the Petitioner.

Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 07TH FEBRUARY, 2019.

FINAL ORDER :

. The school where the petitioner was working is de-recognized. Subsequently, the petitioner is absorbed in the year 2012 as an assistant teacher.

2. The contention of Mr. Talhar, the learned counsel for the petitioner is that, the petitioner was working as a Head Master from 18.03.2001 upto the de-recognition of the school. However, the said proposal forwarded is not decided. Under the impugned communication nothing has been said about the approval to the appointment of the petitioner as Head Master till the de-recognition of the school.

3. We have also heard the learned Assistant Government Pleader for respondents/State.

4. Naturally, as the school where the petitioner was working stood de-recognized in the year 2006, the petitioner's service stood terminated. Thereafter the petitioner is absorbed in the year 2012. Naturally, the said period cannot be considered for the post of Head Master of the petitioner. However, it is submitted that, the petitioner was working from 2001 till de-recognition of the school on 01.12.2006 as Head Master. As such, said period ought to have been considered by the Education Officer and decision ought to have been taken by the Education Officer on the proposal of the petitioner for grant of approval to the appointment of the petitioner as Head Master from the date of his appointment that is from 13.06.2001 till the date of de-recognition of school on 01.12.2006 on its own merits considering factual aspects of the matter. Same does not appear to have been taken by the Education Officer. The Education Officer shall take decision with regard to approval of the petitioner from 13.06.2001 till the date of de-recognition that is 01.12.2006 on its own merits, in accordance law and policy, expeditiously and preferably within a period of four (04) months from today.

5. In the light of the above, the writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]