

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

WRIT PETITION NO.452 OF 2019

**BALAJI GANPATRAO BENDRIKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. A.B.Shinde, Advocate for the petitioner
Mr. K.N.Lokhande, AGP for the respondents/State.

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

DATED : 17.01.2019

P.C. :-

1. Heard learned counsel for the petitioner.
2. Learned counsel for the petitioner at the outset orally prays for amendment by referring the respondents as per their sequence in serial. Oral prayer is allowed. Amendment be carried out forthwith.
3. Considering the following facts situation, we are of the opinion that the petition can be disposed of at the admission stage. The petitioner was employee of school being run by institute, namely, Shri Sant Shiromani Manmath Swami Shikshan Prasarak Mandal at the place Shewadi (Ba.), Tq. Loha, Dist. Nanded. The services of petitioner was terminated under order dated 05.07.2016. The school wherein the petitioner was employee is a basic Primary Ashram school. Being aggrieved by the order of the termination, the petitioner preferred an appeal before respondent No.3 i.e. the Divisional Deputy Commissioner, Social Welfare

Department, Latur bearing No.05 of 2016 by invoking the provisions of the Section 9(1) of the MEPS Act alongwith the Ashram School Code Section 86(1). It is submitted by the learned counsel by inviting our attention to the documents placed on record, namely, representation dated 17.11.2018 to respondent No.3 that in spite of the detail hearing, no decision is taken by the authorities. It was also submitted before us that the appeal was heard for more than 10 dates and reference is made in the representation itself to the dates of hearing. It is also stated in the representation that the institute and the Head Master are not attending the hearing as such the hearing was postponed time and again.

4. Considering this grievance of the petitioner, we dispose the petition. We are directing to respondent No.3 Divisional Deputy Commissioner, Social Welfare Department, Latur to decide the appeal expeditiously and not later than 8 weeks from the date of order of this Court.

5. We further direct to respondent No.3 that if the institute or the Headmaster are avoided the hearing and for the absence of these respondents, namely, the respondents in the appeal, namely, respondent Nos.1 and 2 the appeal is differed time and again. Respondent No.3 to record this reason and decide the appeal on merits. With these directions the petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]