

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

WRIT PETITION NO. 1863 OF 2018

Pandurang Bapurao Garad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Kishor R. Doke, Advocate for the Petitioner.

Shri S. B. Yawalkar, Addl.G.P. for the Respondent No. 1.

Shri R. J. Nirmal, Advocate for the Respondent No. 2.

Shri H. K. Munde, Advocate for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 19TH JUNE, 2019.

FINAL ORDER :

. Heard, the learned counsel for the parties. It appears that, because of the pendency of criminal case filed by the petitioner himself, the Education Officer has refused to decide the proposal on merits and has kept the proposal in abeyance till the case filed by the petitioner is decided.

2. Mr. Doke, the learned advocate for the petitioner submits that, the petitioner was appointed by the respondent/institution on 16.06.1997. The criminal case has nothing to do with the proposal for approval.

3. Mr. Munde, the learned advocate for the respondent/institution submits that, in the criminal case filed by the petitioner against the institution, the petitioner has made a statement that he is appointed in the year 1995. His degrees are undisputed.

4. During the course of arguments, Mr. Doke, the learned advocate for the petitioner confirms that the petitioner is appointed in June 1997. The proposal is forwarded by the institution to the Education Officer. The Education Officer shall decide the said proposal one way or other on its own merits. Considering the peculiar facts of the case, the petitioner and the respondent/institution may represent themselves before the Education Officer. The petitioner and the institution shall appear before the Education Officer on 04.07.2019. Thereafter, the Education Officer shall decide the proposal.

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

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]