

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

WRIT PETITION NO.971 OF 2019

**PRADIP JYOTIRAM RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.S.V. Warad, Advocate for the petitioner.
Mr.V.S. Badakh, AGP for respondent/State.

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

DATED : 23.01.2019

P.C. :-

1. Heard learned Counsel Mr.Warad appearing for the petitioner. Learned Counsel submitted that in response to the advertisement dated 26.05.2010 issued by respondent No.4-Society, the petitioner submitted his application for the post of the Assistant Teacher and the petitioner was appointed. Our attention was also invited to approved staffing pattern under the signature of the competent authority. Then it is submitted that the proposal for grant of approval to the appointment of the petitioner was submitted to respondent No.3 – Assistant Social Welfare Officer. It was pending for quite some

time. The society forwarded representation to the Assistant Welfare Officer, Latur, apprising the authority that the proposals in respect of two teachers are pending before the concerned authority and as there is no decision, these teachers are put to financial difficulties. There is series of such representations placed on record dated 01.01.2015, 01.02.2016, 30.08.2016 and 01.01.2018. The petitioner also requested the authorities by way of representation dated 29.03.2016 and 31.12.2016. It seems that the institute left with no choice but to approach the Hon'ble Minister for redressal of the grievance and the Director of VJNT, OBC and Welfare Department, Maharashtra State Pune forwarded communication to the Regional Dy.Commissioner of the Social Welfare Department, Latur apprising the authority and calling the report of compliance. The Regional Dy. Commissioner of the Social Welfare Department, Latur apprising the authority and calling the report of compliance. The Regional Dy. Commissioner in turn forwarded communication to respondent No.3 dated

22.08.2017 seeking his explanation/compliance report. Learned Counsel Mr. Warad submits that inspite of these series of representations and communications, respondent No.3 is not paying any heed to these representations and sitting tight over the proposal for years together.

2. Learned Counsel further submitted that recently by order dated 08.01.2019 issued by respondent No.3, directed absorption of certain teachers in the very school, wherein the petitioner is working i.e. respondent No.5 – school. Learned Counsel submits that in view of this order, the petitioner apprehends that respondent No.4 – society would accommodate the teachers referred to in order dated 08.01.2019 and may take extreme steps of termination of services of the petitioner and the purpose of approaching this Court would be frustrated.

3. The issue raised in the petition being limited one and also apprehension expressed by the petitioner through learned Counsel being justified one, we dispose

of the petition with direction to respondent No.3 – Assistant Social Welfare Officer, Social Welfare Department, Latur to decide the proposal for grant of approval to the petitioner expeditiously and not later than six weeks from the date of order of this Court. We further direct that till decision of respondent No.3, respondent No.4 not to take any coercive action prejudicing service of the petitioner.

4. With these directions, the writ petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]