

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6091 OF 2013

Mali Gajanan Krishna

.... Petitioner

Vs.

State of Maharashtra & Others

.... Respondents

Mr. N.V. Bandiwadekar with Mr. Vinayak Kumbhar
for the Petitioner.

Ms S.D. Vyas, "B" Panel Counsel, for Respondent
Nos.1 to 3.

Mr. Milind Deshmukh for Respondent Nos.4 & 5.

CORAM: S.C. DHARMADHIKARI &
M.S. KARNIK, JJ.

DATE : FEBRUARY 22, 2019

P.C:

1. Pursuant to our earlier orders, Mr. Suresh Awari, Acting Deputy Director of Education, Kolhapur Region, Kolhapur, is present in Court. Ms Vyas, appearing for respondent Nos.1 to 3, firstly, apologised for his absence on the earlier occasion. Secondly, she states that this gentleman has taken charge in February, 2019. He is presently in-charge of

conducting the Board Examinations and within the region. Presently, his hands are full but he assures the Court that by 15-4-2019 he will consider the representations of the petitioner, including the request made in the memo of this petition and pass appropriate orders thereon strictly in accordance with law. He will pass such orders on or before 15-4-2019.

2. In view of the statements made by Ms Vyas on the instructions of this Deputy Director, which are accepted as undertakings to this Court, we grant the essential prayer of the petitioner so that the statutory authority considers his grievance expeditiously. As far as the merits of that grievance are concerned, in the event the petitioner is dissatisfied with the order that may be passed by the Deputy Director, he can revive his challenge and as raised in the writ petition. He can also raise the very same contentions and grounds while challenging the order that may be passed by the Deputy Director. Presently, we grant to the Deputy Director liberty to call for the necessary records, peruse them and take a decision in accordance with law. Since he has assured that he would act such, we dispose of

this writ petition but with the liberty reserved to the petitioner to file a fresh petition on the same cause of action. In the event the Deputy Director deems it fit and proper, he can call the representatives of the Management, so also the petitioner for a personal hearing.

(M.S. KARNIK, J.)

(S.C. DHARMADHIKARI, J.)