

WRIT PETITION NO.4329 OF 2017

Mr.N.V.Bandiwadekar i/b Mr.Mandar G. Bagkar for the
Petitioners.
Mr.Y.S.Kochare AGP for Respondent Nos.1 and 2 – State.

DATE : 25TH JULY, 2019.

1] The petitioner was appointed as Laboratory Assistant in petitioner no.3 - school on 28th July, 2015. According to the petitioner, the appointment of the petitioner has been made in observance of the procedure prescribed under law. The proposal tendered by the institution seeking approval of appointment of the petitioner has been returned back by the Deputy Director of Education in view of the order passed on 24th February, 2016. It is recorded in the order that the State Government has taken policy decision on 23rd October, 2013 to revise staffing pattern of non-teaching employees and the committee which has been constituted is directed to tender the report in that regard. It is recorded in the communication that until the receipt of report and until the State Government takes appropriate decision on consideration of the report, the institution shall maintain status quo in respect of appointment of non-teaching employees.

2] It is pointed out that the committee constituted by the State has tendered a report. The State Government has taken decision after receipt of report on 28th January, 2019 and has framed new staffing pattern for private school which is required to be followed while making appointment of non-teaching employees. In view of decision taken by the State Government on 28th January, 2019 prescribing new staffing pattern, the decision taken by the Deputy Director of Education on 24th February, 2016 returning back the proposal tendered by the institution for grant of approval for appointment needs to be reconsidered and appropriate decision shall have to be taken by Education authorities.

3] In the circumstances, it is directed that on re-submission of proposal to the Deputy Director of Education, Kolhapur Division, the said authority shall reconsider the proposal in view of Government directives contained in 28th January, 2019. The Deputy Director of Education shall take necessary decision in the matter as expeditiously as possible and preferably within a period of four months from today.

4] The writ petition is disposed of accordingly. There shall be no order as to costs.

(N. J. JAMADAR, J.)

(R. M. BORDE, J.)