

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8490 OF 2014

Shri Bharat Ramchandra Katare ... Petitioner
Vs
The Secretary, State of Maharashtra
Department of Education and Ors. ... Respondents

Mr.Ajinkya Udane i/b Mr.S.B.Deshmukh for the Petitioner
Mr.Y.B.Lengare i/b Mrs.S.Y.Lengare for Respondent No.5.
Mr.V.M.Mali, AGP for State-Respondent Nos.1 to 4.

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

MONDAY, 7TH JANUARY, 2019

P.C. :

1 On reading paragraph 35 at page 11 of the writ petition, it is evident that the petitioner has rushed to this Court without there being any prejudicial act on the part of the concerned authorities. He proceeds to challenge a communication, copy of which is at page 50 of the writ petition, terming that to be an order. Far from there being any binding order, this communication from the Directorate of Education (Secondary and Higher Secondary), Government of Maharashtra has informed the concerned Divisional Deputy Director, Pune Division, Pune that there is an appointment made of the petitioner and allegedly contrary to the rules. That appointment so made also stands approved.

However, that approval is illegal and, therefore, binding order has to be passed so as to cancel that approval and payment of salary in pursuance thereof. This action is to be taken with regard to the appointment of the petitioner as a special teacher in the Shantiniketan High School, Solapur.

2 The petitioner himself proceeds on the footing that no further action was taken in terms of this communication and neither the approval granted to him is recalled and set aside nor any coercive measures have been taken.

3 The writ petition is, thus, premature. In the event any action is taken against the petitioner, which has the effect of cancelling the approval or withholding the salaries, then, the petitioner can approach the competent authorities or this Court again. We are not obliged to examine the validity of the communication in the light of paragraph 35 of the writ petition. There are thus no adverse consequences presently. The writ petition is disposed of as premature. There will be no order as to costs.

[M.S. KARNIK, J.]

[S.C. DHARMADHIKARI, J.]