

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14679 OF 2018

Suhas Murlidhar Suryawanshi.

..Petitioner.

Versus

The Director of Education,
Pune Division, Pune and Others.

..Respondents.

Mr. G. M. Savagave for the Petitioner.

Mr. Vikas Mali, AGP for Respondent Nos. 1 to 3 and 6.

Coram : R. K. DESHPANDE, &
PRITHVIRAJ K. CHAVAN, JJ.

Date : **March 11, 2020.**

P. C. :

1. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the respective parties

2. The challenge in this petition is to the order dated 23rd May 2017 passed by the Divisional Deputy Director of Education, Mumbai rejecting the approval to the appointment of Petitioner as a part time librarian.

3. Three reasons are assigned :

(i) That as per the Government Resolution dated 12th February 2015, the directions were given to

maintain status quo in respect of the recruitment of non-teaching employees.

(ii) As per the Government Resolution dated 25th November 2005, the appointment of Petitioner was not on honorarium basis, and,

(iii) That the procedure for appointment as has been given in the Government Resolution dated 6th February 2012 has not been followed.

4. The Petitioner claims to have been appointed as part-time librarian on 9th January 2015 in response to the advertisement dated 18th November 2014. By the very same advertisement, applications were invited for other posts, like commando, shikshan sevak and lecturers. The approval to the appointments made to other posts was also refused and the matter was carried before this Court in Writ Petition No. 1564 of 2018 and other connected matters which were finally decided on 23rd January 2019. The matters were remitted back to the Deputy Director of Education for decision afresh in accordance with law.

5. In the present case, the appointment of the

Petitioner said to have been made on 9th January 2015 is proximate to the Government Resolution dated 12th February 2015 by which directions were issued to maintain status quo in respect of the appointments of non teaching employees. The genuineness of appointment of the Petitioner needs to be gone into by the said authority.

6. We are unable to gather from the reasoning given in the impugned order as to how the appointment is not in accordance with the Government Resolution dated 6th February 2014. We, therefore, adopt the same method which has been adopted by this Court in the order dated 23rd January 2019 delivered in Writ Petition No. 1564 of 2018 and other connected matters.

7. In the result, this petition is partly allowed. The order dated 23rd May 2017 is hereby quashed and set aside. The Respondent - Deputy Director, Mumbai is directed to grant hearing to the Petitioner and pass appropriate order in accordance with law taking in view the observations made by this Court. The decision be made within the period of 12 weeks from

the first date of appearance of the Petitioner before him. The Petitioner to appear before Respondent No.2 on 23rd March 2020 alongwith written submissions.

8. Rule is made absolute in the aforestated terms. Writ petition stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]

[R. K. DESHPANDE, J.]