

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

WRIT PETITION NO. 3645 OF 2021

Harsha Jitendra Patil

.. Petitioner

Versus

The Education Officer Secondary
and others

.. Respondents

Ms. Tanvi V. Jadhav, Advocate h/f Shri Subodh P. Shah,
Advocate for the Petitioner.

Shri A. R. Kale, A.G.P. for the Respondent No. 1.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.
DATE : 24TH FEBRUARY, 2021.**

FINAL ORDER :

. The petitioner seeks directions to grant approval to the appointment of the petitioner on the post of peon with the respondent No. 2/school.

2. Miss Jadhav, the learned advocate for the petitioner submits that, the petitioner is running from pillar to post seeking approval to his appointment. Earlier the petitioner had to approach this Court seeking appointment on compassionate ground as the management was not entertaining the application of the petitioner. This Court directed the management to consider the application of the petitioner. The management did not abide by the orders of this Court. The contempt petition was

required to be filed. Thereafter, the management issued appointment order to the petitioner. The management forwarded the proposal seeking approval to the appointment of the petitioner as peon. The Education Officer was not deciding the said application. As such, the petitioner filed Writ Petition No. 14507 of 2019 before this Court. This Court under order dated 03rd December, 2019 directed the Education Officer to decide the proposal within six months. However, till date the Education Officer has not decided the proposal.

3. The learned advocate further submits that, inaction on the part of the Education Officer in deciding the proposal amounts to rejection of the proposal. As such, this Court may direct grant of approval to the appointment of the petitioner as a peon.

4. It would appear that, this Court under order dated 03rd December, 2019 in Writ Petition No. 14507 of 2019 had directed the Education Officer to decide the proposal seeking approval to the appointment of the petitioner on compassionate ground within six months. The same, it appears that, is not yet decided. We are not inclined to pass the same order again. If the Education Officer is flouting the orders of this Court and the Education Officer is not following the orders of this Court, the petitioner has remedy available against the Education Officer for not obeying the orders passed by this Court.

5. The order passed by this Court in the earlier writ petition

is self eloquent, which the Education Officer is bound to obey.

6. The petitioner may approach the Education Officer with a copy of present order and if the Education Officer is still reluctant in deciding the proposal, the petitioner is at liberty to initiate proceeding of contempt against the Education Officer.

7. With these observations, the writ petition is disposed of.
No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/Feb. 21