

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

WRIT PETITION NO.2837 OF 2020

**RUPALI BHIMRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...
Advocate for the Petitioner : Shri Patil N.P. Jamalpurkar
AGP for Respondents 1 to 3 : Shri S.R.Yadav Lonikar
...

**CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.**

DATE :- 20th August, 2021

Per Court :-

1. The petitioner has approached this Court for seeking a direction to respondent No.1 to decide the proposal with regard to the post of the Assistant Teacher created in the Chemistry subject in relation to Late Karmaveer Dr.P.R. Ghogrey Science College, Dhule. The petitioner is already appointed as an Assistant Teacher in the Chemistry subject.

2. The learned AGP submits, on instructions gathered from the respondents, that the said proposal is pending before respondent No.3. He clarifies in the light of the communication received by him dated 20.07.2021 from the Under Secretary,

Education Department, State of Maharashtra, that the earlier proposal concerning the petitioner was deficient and hence, it was returned for curing the deficiency. Now, a fresh proposal will have to be sent by respondent No.2 to respondent No.1 and the last date for submission of such proposal is 20.08.2021, which is today. He prays for extension of time so that the proposal could reach respondent No.1 and thereafter, the said respondent would decide the proposal strictly in accordance with the available posts and policy decisions of the Government.

3. In view of the above, this Writ Petition is disposed off with the following directions :-

(a) In the event, a fresh proposal sent by respondent No.2 does not reach respondent No.1 till 20.08.2021, we extend time till 15.09.2021. Respondent No.2 shall ensure that the proposal reaches respondent No.1 within the said time frame.

(b) Respondent No.1 shall decide the said proposal in accordance with the rules and policies of the State Government and keeping in view that there were 935 additional posts that were created.

(c) If 428 posts out of 935 posts are lapsed by the Government Resolution dated 09.04.2018 issued by the Finance

Department and as 68 posts out of the said lapsed posts have been restored by the Government Resolution dated 14.12.2018, the case of the petitioner would be considered as per the availability of the post.

(d) Needless to state, that if approval/ sanction is granted by respondent No.1, a specific decision would be delivered as to the date from which the sanction/ approval is deemed to be effective and based on such date, the petitioner would be entitled for all benefits/ emoluments as are permissible in law.

(e) After respondent No.1 receives the proposal on or before 15.09.2021, a decision as directed above with regard to the petitioner's proposal, shall be taken as expeditiously as possible and preferably on or before 30.11.2021.

(f) Needless to state, the proposals of other similarly situated candidates should also be considered expeditiously and it should not be deemed that merely because the petitioner has filed this petition, a special exception is carved out for her.