

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

916 WRIT PETITION NO.3890 OF 2018

**KHAN SABIHABANO UBEDULLAH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. Brahme Shailesh P.
AGP for Respondent Nos.1 & 2 : Mr. S.R. Yadav-Lonikar
...

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

DATED : 17th JULY, 2021

PER COURT:-

1. By this petition, the petitioner has prayed for a direction to the respondents to consider the previous service of the petitioner for the purposes of seniority, continuity, increment, promotion and retirement benefits. In support of this prayer, it is further prayed that the letter of approval dated 29.10.2012 issued by respondent no.2 may be modified or respondent no.2 may be directed to consider the claim of the petitioner afresh. The petitioners have tendered their representations, all dated 06.01.2018 and the Education Officer has yet not dealt with it.

2. We have considered the submissions put-forth by the learned AGP on the basis of the affidavit in reply filed by respondent no.2. We see that there are a few disputed questions for which the petitioners need to be heard by the Education Officer. These issues are not reflected in the approval order dated 29.10.2012. The grievance of the petitioners is that though they have been working since the academic year 1995-1996, the approval orders actually amount to placing the petitioners on probation, by disregarding or ignoring their earlier employment.

3. In view of the above, we find it advantageous to direct the Education Officer to consider the representation filed by the petitioner dated 06.01.2018, on its own merits. While considering the said representation, it would be appropriate for the Education Officer to issue a notice of hearing to the petitioner and after considering the submissions of the petitioner, pass a reasoned order. If the petitioner is aggrieved by an adverse order passed by the Education Officer, he/she shall be at liberty to avail of a remedy as is permissible in law.

4. In view of the above, this petition is disposed off. We expect respondent no.2 to comply with the above directions as expeditiously as possible. Nevertheless, a reasonable opportunity of hearing be granted to the petitioners and in the event of an adverse order being passed, such order would be supported with reasons to be assigned by the Education Officer.

(S.G. MEHARE. J)

(RAVINDRA V. GHUGE, J)