

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

1010 WRIT PETITION NO.8052 OF 2021

**GANESH SUDHAKARRAO DESHPANE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

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Advocate for Petitioner : Mr. V.S. Panpatte
AGP for Respondents 1 & 2 : Mr. P.K. Lakhotiya

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**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATED : 18/08/2021.

PER COURT :

. The learned advocate for the petitioner submits that the petitioner was appointed on the vacancy created upon the dismissal of one employee namely Balaji Shankarrao Hente. He had filed appeal before the School Tribunal. The learned counsel submits on instructions that after filing of the present writ petition, the appeal filed by Mr. Hente is also dismissed on or about 20th July 2021. The learned advocate submits that even during the pendency of the proceedings, conditional approval can be granted to the petitioner, subject to the decision in the pending proceeding of Mr. Hente.

2. We have also heard learned A.G.P

3. The petitioner claims to have been appointed on the post becoming vacant after the termination of Mr. Hente. The proposal was submitted for approval. The appeal filed by Mr. Hente was pending. In that event, the Deputy Director of Education could have considered the proposal of the petitioner for grant of conditional approval. The appeal filed by Mr. Hente is now stated to be dismissed. The copy of the judgment may be produced before the Deputy Director of Education. The Deputy Director of Education shall consider the proposal for grant of approval to the appointment of the petitioner in the light of dismissal of appeal of Mr. Hente by the School Tribunal, subject to any other proceeding, if any, taken up by Mr. Hente. The decision shall be taken preferably within four months.

4. The petitioner claims to have been appointed in the year 2014. It is submitted that Pavitra Portal was not operative and it was activated in the year 2018. In case, Pavitra Portal was not operative in the year 2014 and the petitioner was appointed prior to the year 2018, the said aspect shall also be considered by The Deputy Director of Education as Pavitra Portal was not operative, the appointment cannot be made on the Pavitra Portal.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]