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

945 WRIT PETITION NO.10386 OF 2018

**PRAKASH MADHAVRAO BELKONE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Mr V. D. Gunale, Advocate for petitioner;

Mr S. R. Yadav, A.G.P. for respondent Nos.1 & 2

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

DATE : 6th October, 2021

PER COURT:

1. After issuance of notice on 14/09/2018, respondent No.3 did not cause an appearance. On 14/01/2019, notice for final disposal was issued to respondent No.3. Despite service, no appearance is entered.

2. The petitioner has put forth prayer clause (C), which reads as under :

“C) By writ of mandamus or any other writ order or directions, the respondents be directed to grant an approval to extend the benefit of stagnation to the petitioner after completion of 12 years service from

(2)

2007 onwards till his retirement i.e. 30.06.2018 and considering his deem promotion to the post of head clerk pay him the difference of his salary and the arrears of salary as per his entitlement including the pension and for that purpose necessary orders be passed.”

3. Respondent No.3 is a private institution. The Education Officer (Secondary) has no role to play until the School Management forwards the proposal of the petitioner for time bound promotional benefits. So also, this Court cannot direct a private Management by issuing the writ of mandamus under Article 226 of the Constitution of India, that it should tender the proposal of the petitioner for the said benefits, when there are several disputed factors.

4. The learned Advocate for the petitioner submits that the petitioner would approach the Management and make a request for forwarding the proposal to the Education Officer. The same may be considered expeditiously.

5. In view of the above, this petition is disposed off with liberty as is prayed for. If respondent No.2 receives any proposal

(3)

from respondent No.3 – School, it shall consider the said proposal on it's own merits within a period of six weeks thereafter.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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