

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4281 OF 2021

Hanmant Bhagwan Deshmukh

... Petitioner

Versus

State of Maharashtra and Ors.

... Respondents

Mr. A. H. Fatangare for the Petitioner.

Mrs. P. N. Diwan, AGP for the State-Respondent Nos. 1 and 2.

**CORAM: R. D. DHANUKA AND
ABHAY AHUJA, JJ.**

DATE : 2nd DECEMBER, 2021.

P.C. :-

1. Learned counsel for the petitioner seeks liberty to delete respondent nos. 3 and 4 from the cause title of the petition. Leave to amend is granted. Amendment to be carried out forthwith. Re-verification is dispensed with.

2. Rule. Learned AGP for the respondent nos. 1 and 2 waives service. By consent of parties, petition is heard finally.

3. By this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for a writ of certiorari for quashing and setting aside the order dated 18th June, 2020 postponing the decision due to the reasons recorded in the said order for want of any Government order. The fresh proposal was submitted by the respondent no.4 for approval of the appointment of the petitioner for the post of Junior Clerk w.e.f. 5th August, 2015 on 12th February, 2020.

Prior to the submission of the fresh proposal on 12th February, 2020, the respondent no.4-School has submitted a proposal to the respondent no.2 for approval of the petitioner on 16th March, 2016. No decision however was taken on the said proposal also.

4. Respondent no.2 is accordingly directed to consider and dispose of the said proposal dated 12th February, 2020 for the said post of Junior Clerk w.e.f. 5th August, 2015 within four weeks from today and shall communicate the order that would be passed by the respondent no.2 to the petitioner within one week from the date of passing of such order. If the order is adverse against the petitioner, no coercive steps shall be taken against the petitioner by the respondent no.2 or by the Management for the period of three weeks from the date of communication of the said order. If the order is in favour of the petitioner, the respondents shall grant all consequential benefits to the petitioner including arrears of salary within four weeks from the date of granting such approval, without fail.

5. Writ Petition is allowed in aforesaid terms. Rule is made absolute accordingly. There shall be no order as to costs.

6. It is made clear that this Court has not expressed any views on the merits of the matter. All contentions of both the parties are kept open.

7. Parties to act on an authenticated copy of this order.

[ABHAY AHUJA, J.]

[R. D. DHANUKA, J.]