

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6233 OF 2021

Umesh Vitthal Lembhe

..... Petitioner

VERSUS

The State of Maharashtra & Ors.

..... Respondents

Mr.Prashant Bhavake for the Petitioner.

Ms.Kavita N.Solunke, A.G.P. for the Respondent State.

CORAM: R. D. DHANUKA AND

ABHAY AHUJA, JJ.

DATE : 1st OCTOBER, 2021

P.C:-

Mr. Bhavake, learned counsel for the petitioner on instruction seeks liberty to delete the respondent nos. 6 and 7 from the cause title of the writ petition. Liberty is granted as prayed. Leave to amend is granted. Amendment to be carried out forthwith. Re-verification is dispensed with.

2. Rule. Learned A.G.P. waives service for the respondents. By consent of parties, writ petition is heard finally.

3. By this petition filed under Article 226 of the Constitution of

India, the petitioner seeks an order and direction against the respondent no.5 to decide the proposal submitted by the respondent no.6 the Educational Institution and the Head Master of the respondent no.7, for individual approval to the appointment of the petitioner in the post of peon at respondent no.7 school and for other reliefs.

4. It is the case of the petitioner that the representation filed by the management on 16th September, 2020 for individual approval of the petitioner is still pending. Statements made by the petitioner in the writ petition is accepted.

5. The respondent no.5 is accordingly directed to decide the said proposal submitted by the respondent nos. 6 and 7 for individual approval for the appointment of the petitioner on the post of peon at the respondent no.7 school within eight weeks from today.

6. Mr.Bhavake, learned counsel for the petitioner agrees to furnish a photocopy of the proposal with acknowledgment of the Education Officer with the office of the Education Officer within one week from today. If the Education Officer is not able to trace the said proposal, a copy that would be submitted by the learned counsel for the petitioner

shall be treated as the proposal for the said appointment and shall be disposed of within eight weeks from the date of receipt of the acknowledged copy of the said proposal. The order that would be passed shall be communicated to the petitioner within one week from the date of passing of such order.

7. If any adverse order is passed against the petitioner, the petitioner would be at liberty to file appropriate proceedings.

8. This Court has not expressed any views on the merits of the matter.

9. All contentions of both the parties are kept open.

10. Writ petition is disposed of accordingly. Rule is made absolute in the aforesaid terms. No order as to costs.

11. It is made clear that if the proposal is granted as claimed by the management, the Education Officer shall enter the name of the petitioner in the Shalarth ID within two weeks from the date of granting such approval and shall release the grant-in-aid for the said

appointment from the date of initial appointment within four weeks thereafter.

12. The parties to act on the authenticated copy of this order.

[ABHAY AHUJA, J.]

[R.D.DHANUKA, J.]