

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

WRIT PETITION NO. 2894 OF 2020

Suresh Hariba Mali & Ors.

...Petitioner

vs.

The State of Maharashtra and Ors.

...Respondents

Mr.Laxman S. Deshmukh for Petitioner.

Mr.Siddhesh Kalel, AGP for Respondent-State.

**CORAM : S.C. GUPTE &
SURENDRA P TAVADE, JJ.**

DATE : 25 JANUARY 2021

P.C. :

Heard learned Counsel for the Petitioner and learned AGP for the Respondent-State.

2 Rule. Rule taken up for hearing forthwith, by consent of counsel.

3 The subject matter of controversy in the present petition concerns the Respondent's approval to Petitioner No.1's appointment to the post of Laboratory Assistant. Petitioner No.1 was appointed to the post of Laboratory Assistant in Petitioner No.3 school in pursuance of an advertisement duly issued and interviews conducted. The appointment order was dated 29 December 2011. Vide its letter dated 5 March 2014, Petitioner No.2 Management submitted its proposal for approval of the appointment of Petitioner No.1 to the post of Laboratory Assistant. Vide

letter dated 11 December 2014, Respondent No.2 refused to grant such approval purportedly on the ground that the post was not a sanctioned post in terms of the G.R. dated 25 November 2005 and prior permission was not taken in terms of the G.R. dated 19 July 2014 whilst appointing Petitioner No.1. It is incidentally the Petitioner's case that the later G.R. is not applicable to his case, since his appointment was prior to the G.R. Anyway, after taking into account and dealing with objections of Respondent No.2, vide their letter dated 6 February 2017, Petitioner No.2 Management once again requested Respondent No.2 for approval to the post of Petitioner No.1. A fresh proposal was also submitted to Respondent No.2 by Petitioner No.2 Management on 19 April 2017. Once again, a detailed proposal was submitted on 29 December 2018. The grievance of the Petitioner is that there has been no decision on the part of Respondent No.2 to these proposals.

4 On these facts, the petition may be conveniently disposed of by directing Respondent No.2 to consider and take a decision on the proposal of Petitioner Nos.2 and 3 and for approval to the appointment of Petitioner No.1 to the post of Laboratory Assistant in a time bound manner.

5 Rule is, accordingly, made absolute and the petition is allowed by directing Respondent No.2 to decide the latest proposal of Petitioner Nos.2 and 3 dated 29 December 2018 for approval to the appointment of Petitioner No.1 to the post of Laboratory Assistant within a period of six weeks from today. In the meantime, till such proposal is decided by Respondent No.2, no appointment shall be made and no surplus employee shall be accommodated in the post held by Petitioner No.1.

6 The petition is disposed of in the above terms.

(SURENDRA P TAVADE, J.)

(S.C. GUPTE, J.)