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

WRIT PETITION NO. 1767 OF 2020

Navale Vijay Nagnath and Anr.

... Petitioners

Versus

State of Maharashtra and Ors.

... Respondents

Mr. Mohan B. Jadhav i/by P. S. Badgude for the Petitioners.

Mrs. P. J. Gavhane, AGP for the Respondent-State.

Mr. Vijay Killedar for the Respondent Nos. 3 to 5.

**CORAM: R. D. DHANUKA AND
R. N. LADDHA, JJ.**

DATE : 13th DECEMBER, 2021.

P.C. :-

. Rule. Mrs. Gavhane, learned AGP for the respondent nos.1 and 2 waives service. Mr. Killedar, learned counsel for the respondent nos. 3 to 5 waives service. By consent of parties, petition is heard finally.

2. By this petition filed under Article 226 of the Constitution of India, the petitioners seek an order and direction against the respondent nos. 1 to 3 to grant individual approval on the basis of admitted facts for the post of Clerk w.e.f. 1st June, 2005, insofar as petitioner no.1 is concerned and for the post of Peon w.e.f. 1st June, 2005, insofar as petitioner no.2 is concerned.

3. Mr. Killedar, learned counsel for the respondent nos. 3 to 5 states that the proposal made by the petitioners was submitted to the respondent no.3 and not to Administrative Officer who is the Competent Authority to decide such representation. Statement is

accepted.

4. Mr. Jadhav, for the petitioners on instruction states that he will file a fresh proposal before the respondent no.5 within one week from today. Statement is accepted.

5. If the fresh proposal is submitted by the petitioners to the respondent no.5 within one week from today, the respondent no.5 shall decide such proposal within six weeks from the date of receipt of such proposal in accordance with law and shall communicate the order that would be passed by the Administrative Officer to the petitioners within one week from the date of passing of such order. If the said order is adverse against the petitioners, the petitioners would be at liberty to file appropriate proceedings. If the proposal of the petitioners is accepted by the respondent no.5, the respondent no.5 shall grant all consequential benefits to the petitioners within four weeks from the date of granting of proposal.

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

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

[R. N. LADDHA, J.]

[R. D. DHANUKA, J.]