

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

WRIT PETITION NO. 5823 OF 2021

Shubham Basavraj Ingale ... Petitioner
Vs.
The State of Maharashtra and Ors. ... Respondents

Mr. Raghuendra B. Kulkarni i/b Mr. Prasad B. Kulkarni, Advocate for Petitioner.

Mr. S. B. Kalel -Learned AGP for State- Respondents No. 1 to 3 and 6.

Ms. Kavita Shinde h/f Mrs. A. B. Tajane, Advocate for Respondent No. 5.

**CORAM : R.D. DHANUKA &
ABHAY AHUJA, JJ.**
DATE : 24th SEPTEMBER 2021

P.C. :

1. Rule. Learned counsel for petitioner seeks leave to delete respondent no. 6. Leave is granted. Amendment to be carried out forthwith. Rule is made returnable forthwith. Re-verification dispensed with.

2. Learned counsel for respondents waive service of notice.

3. By consent of the counsel for the parties, petition is heard finally.

4. By this petition, filed under Article 226 of the Constitution of India, petitioner is seeking direction against respondents for grant of approval for being appointed on compassionate basis. Petitioner's mother had made an application to respondent no.4-school in the year November 2016 to appoint petitioner. Respondent-School issued an order for appointment of petitioner on the vacant post of peon and passed a resolution for the approval of the appointment of petitioner. The respondent no. 4 forwarded proposal dated 31st March 2017 to respondent no.3-Education Officer in March 2017. However, till date no decision has been taken on the said proposal by respondent no.3.

5. The learned AGP, on instructions, submits that six weeks' time may be granted for deciding the said proposal.

6. We accordingly direct respondent no.2 to decide the proposal made by the management in respect of petitioner, within six weeks from today. In the event the decision is adverse to the case of petitioner, the order not to be implemented for a period of two weeks from the date of communication of the order. Petitioner in that event would be at liberty to file appropriate proceedings.

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

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

(ABHAY AHUJA, J.)

(R.D. DHANUKA, J.)