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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6295 OF 2021

Subash G. Gaikwad	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

Mr.Y.B. Lengare with Mr.Wilson Robi for the Petitioner.

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

CORAM : R.D. DHANUKA &
ABHAY AHUJA, JJ.
DATE : 29TH OCTOBER, 2021.

P.C. :-

1. The petitioner seeks leave to delete the respondent nos.4 and 5. Leave is granted as prayed. The amendment to be carried out forthwith. Re-verification is dispensed with.
2. Rule. Rule made returnable forthwith. By consent of parties the petition is heard finally.
3. By this petition the petitioner is seeking the directions to the respondent no.3 to decide the proposal dated 9th August, 2019 submitted by the respondent no.4 for grant of approval to the petitioner to the post of Headmaster in respondent no.5 school with effect from 1st August, 2019 and release consequential benefits including the salary and arrears thereof.

4. Having perused the petition and having heard the learned counsel for the parties, we observe that the proposal has been submitted to the respondent no.3 however, no approval has been granted till date. Learned AGP at this stage draws our attention to the communication dated 31st October, 2019 whereby certain discrepancies have been pointed out to the respondent Management in respect of the petitioner's proposal to which she submits that no compliance has been made. Learned counsel draws our attention to page 40 of the petition to the communication dated 4th November, 2019 and submits that pursuant to this communication, the deficiencies have been complied with.

5. Having heard the learned counsel, we are of the view that if following directions are given to the respondent no.3, the purpose of the petition would be served and the ends of justice would be met.

6. In this view of the matter, we pass the following order:

(i) In the event of the deficiencies / requisitions are to be complied with by the petitioner, the petitioner to do so within two weeks from today. The respondent no.3 to consider the proposal of the petitioner within four weeks thereafter.

(ii) In the event, the proposal is favorably considered, the respondent no.3 to grant/release salary, arrears and other consequential benefits within two weeks' thereof.

(iii) In the event, the decision is not favorable to the petitioner, the order of the respondent no.3 not to be implemented for a period of two weeks for the petitioner to take appropriate proceedings, so advised.

(iv) The petition is accordingly disposed. Rule is made absolute in above terms.

(v) Parties to act on an authenticated copy of this order.

(ABHAY AHUJA, J.)

(R.D. DHANUKA, J.)

VASANT
ANANDRAO
IDHOL

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VASANT ANANDRAO
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Date: 2021.10.30
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