

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5343 OF 2019

Subash Shankar Patil	...	Petitioner
Vs.		
State of Maharashtra and others	...	Respondents

Mr. Mandar G. Baskar i/b. Mr. Chetan G. Patil for Petitioner.
Mrs. P. N. Diwan, AGP for Respondents-State.

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

DATE : DECEMBER 08, 2021

P.C. :-

Mr. Baskar, learned counsel for the petitioner seeks liberty to delete respondent Nos.3 and 4 from the cause title of the petition. Leave to amend is granted. Amendment to be carried out forthwith. Re-verification is dispensed with.

2. Rule. Mrs. Diwan, learned AGP waives service for the respondents-State. By consent of parties, petition is heard finally.

3. By this petition under Article 226 of the Constitution of India, petitioner seeks order or direction against respondent No.2 to grant individual approval to the petitioner on the post of Junior Clerk in respondent No.4 school viz. Shivaji High School Bawchi with effect from 01.07.2010 and the consequential reliefs.

4. Learned counsel for the petitioner states that though the petitioner has prayed for larger reliefs for grant of individual approval, at this stage, he seeks direction only against respondent No.2 to consider the proposal made by the management for individual approval of the petitioner submitted on 02.11.2010 which is still pending. Though the petitioner has prayed for larger reliefs in prayer clause (a) of the writ

petition, petitioner can mould the reliefs and seek limited reliefs. We accept the submissions of learned counsel for the petitioner and grant lesser reliefs than the reliefs claimed by the petitioner.

5. We accordingly direct respondent No.2 to consider the proposal dated 02.11.2010 made by the management for individual approval of the petitioner within four weeks from today in accordance with law and to pass an appropriate order. The order that would be passed shall be communicated to the petitioner as well as to the management within one week from the date of passing of the order. If the order is in favour of the petitioner, the Education Officer shall grant consequential benefits to the petitioner within four weeks from the date of the name of the petitioner entered in the *Shalarth Pranali* by the Deputy Director of Education. In that event, the Deputy Director of Education shall enter name of the petitioner in *Shalarth Pranali* within two weeks from the date of the communication of the order that would be passed by the Education Officer and if the order is adverse to the petitioner, the petitioner shall be at liberty to file appropriate proceedings.

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

7. It is made clear that this Court has not expressed any views on the merits of the matter. All contentions of both the parties on merits are kept open.

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

(R. N. LADDHA, J.)

(R. D. DHANUKA, J.)