

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

WRIT PETITION NO.2646 OF 2020

Neha Maruti Jadhav

...Petitioner

V/s.

The State of Maharashtra & Ors.

...Respondents

Mr. Umesh H. Pawar, Advocate for the Petitioner.

Mrs. P. J. Gavhane, AGP for Respondent Nos.1 to 5.

Mr. Prashant Bhavake, Advocate for Respondent Nos.6 and 7.

**CORAM : R. D. DHANUKA, AND
ABHAY AHUJA, JJ.**

**DATE : 29th SEPTEMBER, 2021.
(Through Video Conferencing)**

PC.:

. Rule. Mrs. Gavhane, learned AGP for the Respondent Nos.1 to 5 and Mr. Bhavake, learned counsel for the Respondent Nos.6 and 7 waives service for the Respondents. Heard finally by consent of parties.

2. By this petition filed under Article 226 of the Constitution of India, the Petitioner seeks an order or directions against Respondent No.5-Education Officer to decide the proposal sent by the Respondent No.6-Education Institute and Headmaster of the Respondent No.7-Secondary School seeking individual approval to the appointment of the Petitioner on the post of Shivshan Sevak in Respondent No.7-School.

3. Learned counsel has invited our attention to last proposal dated 1st April 2019 filed by the Headmaster, Loknete Rajarambapu Patil Vidyalaya, Vashi, Taluka Walwa, District Sangli, which is annexed at Exhibit-J to the Writ Petition and submitted that the said proposal is pending for consideration before the Education Officer.

4. Mr. Bhavake, learned counsel for the Respondent Nos.6 and 7 states that the proposal made by his clients are still pending since 1st April 2019. Learned AGP for Respondent Nos.1 to 5 on the other hand invited our attention to the averments made in paragraphs Nos.5 to 6 of the Writ Petition. She submits that the Education Officer has already refused to decide two proposals earlier made on 28th November 2018 and 24th December 2018. However, the Petitioner has once again submitted a proposal dated 25th February 2019 with a request to condone the delay caused for submitting the proposal for individual approval of the Petitioner.

5. A perusal of the communication of the Education Officer dated 17th December 2018 indicates that the said decision is not on merit, but directing the Petitioner to submit individual proposal in special camp for deciding individual approvals of Teacher and Education Officer and

returning the said proposal. The communication dated 7th March 2019 of the Education Officer is also identical. In our view the said communications of the Education Officer would not preclude the Education Officer to consider the proposal dated 9th April 2019, which is still pending.

6. We accordingly direct the Education Officer to consider the said proposal dated 9th April 2019 made by the management for appointment of the Petitioner to the post of Shikshan Sevak in the Respondent No.7-School within six weeks from the date of communication of this Order without being influenced by the observations made in the earlier two orders refusing to consider the proposal submitted by the management for the appointment of the Petitioner to the post of Shikshan Sevak and the conclusion drawn therein.

7. The Order that will be passed by the Education Officer shall be communicated to the Petitioner within one week from the date of passing of such Order. If the adverse Order is passed by the Education Officer on the said proposal, the management shall not take any coercive action against the Petitioner for a period of four weeks from the date of communication of that Order. The Education Officer also shall not take any coercive steps against the Petitioner as well as the management for

enforcement of such Orders that will be passed, for a period of four weeks from the date of communication of that Order to the Petitioner as well as to the management.

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

9. All the parties to act on an authenticated copy of this Order.

(ABHAY AHUJA, J.)

(R. D. DHANUKA, J.)