

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2699 OF 2021

Sandhya Laxman Waghmode

..... Petitioner

VERSUS

The State of Maharashtra & Ors.

..... Respondents

Mr.N.V.Bandiadekar, a/w. Mr.Vinayak Kumbhar, i/b. Ms.Ashwini N.Bandiadekar for the Petitioner.

Smt. P.N.Diwan, A.G.P. for the State - Respondent Nos. 1 and 2.

**CORAM: R. D. DHANUKA AND
R.I.CHAGLA, JJ.**

DATE : 14th JULY, 2021
(THROUGH VIDEO CONFERENCE)

P.C:-

Leave to amend to delete the name of the respondent nos. 3 and 4 is granted. Amendment to be carried out within one week from today.

2. Rule. Learned A.G.P. for the respondent nos. 1 and 2 waives service. Heard finally by consent of parties.

3. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks direction against the respondent no.2 to take decision on the proposal dated 28th June, 2013 submitted by the respondent no.4 seeking approval to the petitioner's appointment and accordingly respondent no.2 be directed to grant approval to the

appointment of the petitioner as Shikshan Sevak in the respondent no.4 school Samajbhushan Baburao Phule Madhyamik Vidyalaya, Pune for the period of three years i.e. 17th June, 2013 to 16th June, 2016 and to release the grant-in-aid for payment of monthly honorarium for the said period of three years.

4. The petitioner was appointed as Shikshan Sevak on 17th June, 2013 in the said school in the vacancy reserved for NT[B] category. This appointment was made by publishing advertisement and conducting selection process.

5. On 28th June, 2013, the Headmistress of the said school submitted the proposal to the respondent no.2, Education Officer seeking approval to the appointment of the petitioner. But no decision has been taken by the respondent no.2. The petitioner herself made applications to the respondent no.2 on 8th March, 2018 and 11th April, 2018 requesting to grant approval. Since no decision has been taken by the respondent no.2 till date, this writ petition has been filed.

6. Learned counsel appearing for the petitioner states that the respondent no.2 has till date not taken decision on the petitioner's proposal dated 28th June, 2013 submitted by the said school seeking

approval of the petitioner's appointment.

7. He submits that the approval of the petitioner is yet to be granted for appointment as Shikshan Sevak in the respondent no.4 school for the period of three years i.e. 17th June, 2013 to 16th June, 2016 and to release the grant-in-aid for payment of monthly honorarium for the said period of three years.

8. Having considered the submissions, we direct the respondent no.2 to take decision on the said proposal dated 28th June, 2013 within a period of six weeks from the date of this order. Upon decision that would be taken by the respondent no.2, the same shall be communicated to the petitioner within a period of one week thereafter.

9. In the event that decision is adverse to the petitioner, the liberty is granted to the petitioner to take out appropriate proceedings for challenging the same.

10. Writ petition is accordingly disposed of in the aforesaid terms.

11. Rule is made absolute accordingly. No order as to costs.

[R.I.CHAGLA, J.]

[R. D. DHANUKA, J.]