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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4511 OF 2021

Vishwanath Shivanand Kotanur & Ors

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. L.S. Deshmukh, for the Petitioners.

Ms. Kavita N. Solunke, AGP for State – Respondent Nos.1 to 3.

CORAM : R.D. DHANUKA &
R.I. CHAGLA, JJ.

DATE : 24 AUGUST, 2021.

ORDER :

1. Matter called out of turn at 2.30 p.m.

2. Rule. Learned AGP waives service for Respondents.

Heard by consent of both parties.

3. By this Petition filed under Article 226 of the Constitution of India, the Petitioners are seeking directions against the Respondent No.3 to take decision on the proposal

dated 4th May, 2009, submitted by the Petitioner No.2 Management for approval to the Petitioner No.1's appointment to the post of peon with effect from the date of appointment within a stipulated time. The Petitioners are not pressing for prayer clause (a) which is for directions against Respondent No.3 to grant approval to the Petitioner No.1's appointment to the post of peon in the Petitioner No.3 school with effect from his appointment along with all consequential benefits.

4. The Petitioner was appointed as peon in the Petitioner No.3 school on 1st January, 2009. The Petitioner No.1 since then has been working with the Petitioner No.3 School. The Management on 4th May, 2009 submitted a proposal along with all necessary documents to the Respondent No.3 - Education Officer for approval to the Petitioner No.1's appointment to the post of peon with effect from his appointment. The Respondent No.3 has not taken decision on the said proposal till date. Being aggrieved the Petitioners have filed present Petition.

5. Learned Counsel for the Petitioners states that, the Respondent No.3 - Education Officer is required to take

decision on the proposal dated 4th May, 2009 which has been submitted by the Petitioner No.2 – Management for approval to the Petitioner No.1's appointment as peon in the Petitioner No.3 – School. He submits that the decision has till date not been taken.

6. In view thereof, the Respondent No.3 – Education Officer is directed to take decision on the proposal dated 4th May, 2009 submitted by the Petitioner No.2 – Management for approval to the Petitioner No.1's appointment to the post of peon in the Petitioner No.3 – School, if not already taken within a period of six weeks from today. The decision shall be communicated to the Petitioners within a period of one week thereafter.

7. Rule made absolute accordingly. Writ Petition is disposed of. There shall be no order as to costs.

[R.I. CHAGLA J.]

[R.D. DHANUKA, J.]