

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

WRIT PETITION NO. 39 OF 2020

Depali Krishnadeo Lohar

... Petitioner

Vs.

The State of Maharashtra & Ors.

... Respondents

Mr. C. G. Patil a/w. Mr. Mr. M. G. Bagkar, for the Petitioner.

Mrs. P. N. Diwan, AGP for State-Respondent Nos.1 and 2.

Mr. Sagar Naik, Head Master Main Rajaram High School and Junior College, Bhawani Mandap, Kolhapur, for Respondent No.5, is present in Court.

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

DATE : 16th NOVEMBER 2021

PC. :

1. Mr. Patil, learned counsel for the petitioner, on instructions, 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.

3. Mrs. Diwan, learned AGP waives service for the respondent nos. 1 and 2.

4. By consent of the parties this petition is heard finally.

5. By this petition filed under Article 226 of the Constitution of India, the Petitioner has prayed for quashing and setting aside order dated 14th September 2018, issued by respondent no. 2 and further seeks the individual approval to the appointment of the petitioner to the post of Shikshan Sevak with effect from 11th September 2014 and thereafter on the post of Assistant Teacher with effect from 11th September 2017 with all consequential benefits.

6. The short grievance of the petitioner in this petition is that though the management has communicated all details and particulars in compliance with the requisition made by the Deputy Director, Education, Kolhapur by letters dated 14th September 2018 and 21st September 2018, the Deputy Director, Education has not decided the proposal in respect of the requirement of the petitioner.

7. The Headmaster of respondent No. 5 Mr. Sagar Naik is present in the Court and states that all the details are already furnished by the management to the Deputy Director of Education. Statement made by respondent no. 5 is accepted.

8. We accordingly direct Deputy Director of Education, to consider the details furnished on 14th September,2018 and 21st September,2018 annexed at page nos. 27 and 28 of the Writ Petition. Deputy Director of Education shall pass an order after considering these details and after granting personal hearing to the petitioner in accordance with law without being influenced by the stand taken by the respondent No. 2 in the affidavit in reply filed on 20th July 2021.

9. The petitioner would be liberty to file written submissions before the Deputy Director of Education within one week from today and shall remain present before the Deputy Director of Education on 26th November, 2021 for hearing. The Deputy Director of Education shall pass order within four weeks from the date of hearing and shall communicate the order that would be passed to the petitioner within one week thereafter.

10. If the order that would be passed is adverse against the petitioner, the petitioner would be at liberty to file appropriate proceedings and no coercive steps shall be taken against the petitioner for a period of three weeks from the date of communication of such order.

11. If the proposal of the petitioner is allowed by the Deputy

Director of Education, petitioner shall be paid all the consequential benefits to the petitioner within four weeks thereafter.

12. Rule is made absolute in aforesaid terms. There shall be no order as to costs.

13. The parties to act an authenticated copy of this order.

(ABHAY AHUJA, J.)

(R.D. DHANUKA, J.)