

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 2812 OF 2021

Shri Uttam Shankar Choudhari
Aged about 45 years, Occ. Service,
R/o. Pauni, Tahsil Pauni,
District Bhandara

...PETITIONER

VERSUS

1. The State of Maharashtra,
through its Secretary,
School Education & Sports Department,
Mantralaya, Mumbai-400032
2. The Director of Secondary and
Higher Secondary Education,
State of Maharashtra,
Central Building, Pune-1
3. The Education Officer (Secondary),
Zilla Parishad,
Bhandara

...RESPONDENTS

Shri A.Z. Jibhkate, Advocate for the petitioner.
Shri A.A. Madiwale, A.G.P. for the respondents/State.

**CORAM : SUNIL B.SHUKRE &
ANIL S.KILOR, JJ..**

DATED : AUGUST 21, 2021

ORAL JUDGMENT (PER SUNIL B. SHURE) :

Rule. Rule is made returnable forthwith. Heard finally by

consent. Shri A.A. Madiwale, learned Assistant Government Pleader waives for the respondents/State.

2. The petitioner is seeking approval to his upgradation from part time librarian to full time librarian contending that the whole exercise necessary for such upgradation has already been completed by the School of the petitioner and also respondent No.3 and that the petitioner has also been found to be entitled for the same, as seen from the list of the eligible persons annexed to the communication dated 02/03/2020 (Page 89 and 90).

3. On going through the communication dated 23/11/2019, we find that the submission of the learned counsel for the petitioner is worthy of consideration by the Education Officer.

4. In the backdrop of the communication dated 02/03/2020, it is a matter of surprise that respondent No.3 is still awaiting further instructions from the State of Maharashtra regarding grant of approval to the upgradation of the post of the petitioner. This would impel us to issue necessary directions to the respondent Nos.2 and 3.

5. In view of above, we direct respondent Nos.2 and 3 to take a decision regarding grant of approval to the upgradation of the present post of the petitioner from part time librarian to full time librarian in the light of the completion of the exercise as reflected in the communication dated 02/03/2020, in accordance with law, within a period of six weeks from the date of the order.

6. The petitioner is directed to furnish the copy of the communication dated 02/03/2020 along with its annexures to respondent No.3, within three days from the date of the order to facilitate the decision making process.

7. Rule is made absolute in the above terms. No costs.

JUDGE

JUDGE

**DB*