

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

WRIT PETITION NO.2659?2019

Anil Charansingh Rathod,
Aged 42 years, Occ.:Service,
At Dahatonda, Post: Hatgaon,
Tq.Murtizapur,District Akola.

..... **PETITIONER**

...V E R S U S...

1. State of Maharashtra,
through Department of Higher Education,
Mantralaya, Mumbai.
2. Deputy Director of Education,
Amravati Division, Amravati.
3. Education Officer(Secondary),
Zilla Parishad, Akola, District Akola.
4. Late Bapurao Maharaj Bahu,
Uddheshiya Shikshan Sanstha,
Ramtek through its President.
Tq. Murtizapur, District Akola.
5. The Head Master,
Shri Balasaheb Thakre Vidyalaya, Kawatha (Sopinath),
Post Rajanapur,Kinkini,
Murtizapur, District Akola.

..... **RESPONDENTS**

Shri Ms. Deepali V.Sapkal, Advocate for petitioner.
Shri D.P.Thakre, Additional Government Pleader for respondent nos. 1 to 3.
Shri Apurv De, Advocate for respondent no.4.

CORAM : A.S.CHANDURKAR and G.A.SANAP, JJ.
DATED : 6th AUGUST, 2021

ORAL JUDGMENT (Per A.S.Chandurkar, J.)

Rule. Heard finally considering the short issue involved.

2. The services of the petitioner were terminated on 31.03.2011. The petitioner approached School Tribunal, Amravati by filing an appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. By the judgment dated 20.02.2013 the School Tribunal set aside the order of termination and directed reinstatement of the petitioner. It also directed the Management to pay 50% back-wages from 30.04.2011 till reinstatement.

3. The Management had filed Writ Petition No.1721/2013 for challenging the aforesaid judgment of the School Tribunal but that writ petition was withdrawn on 28.11.2017. Thereafter the proposal for grant of approval to the appointment of the petitioner was sent to the Education Officer (Secondary). The Education Officer by his communication dated 31.03.2018 sought guidance from the Deputy Director of Education, Amravati as to the basis on which such approval could be granted. On 09.05.2018 the Deputy Director of Education, Amravati has conveyed his opinion in the matter to the Education Officer(Secondary).

4. It is the grievance of the petitioner that the proposal for grant approval still remains undecided. We find that it was the Education Officer (Secondary) who had sought guidance in the matter from the Deputy Director of Education, Amravati. As such guidance has been given by the Deputy Director of Education on 09.05.2018, the Education Officer (Secondary) ought to have thereafter taken a decision on the question of granting approval to the appointment of the petitioner.

However for no justifiable reason such decision has not been taken.

5. In that view of the matter, the Education Officer (Secondary) is directed to take a decision on the question of grant of approval to the petitioner's appointment in the light of the opinion given on 09.05.2018 by the Deputy Director of Education, Amravati. Such decision be taken by the Education Officer (Secondary) within a period of four weeks from the communication of this order.

Needless to state that the Education Officer (Secondary) may grant opportunity of hearing to the petitioner as well as the representative of the Management. The question of approval be decided on its own merits. The writ petition is allowed and the rule is made absolute in aforesaid terms. There shall be no orders as to costs

JUDGE

JUDGE

Andurkar..