

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No. 885/2021

Smt. Gumpha w/o Bhagwan Thool

...Petitioner

Versus

State of Maharashtra and ors.

...Respondents

Ms. S.P. Meghe, Advocate for the Petitioner

Mrs. K. R. Deshpande, AGP for the Respondent Nos. 1 to 3 - State

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 15 FEBRUARY 2021

P.C.:

Heard learned Counsel for the parties.

2. In view of the order that we propose to pass, it is not necessary to issue notice to the Respondent Nos. 4 and 5.

3. The Petitioner is working as a Peon in the Respondent No. 4 – School run by the Respondent No. 5 – Educational Institution. The School received 100% grant-in-aid. The Petitioner was appointed in the year 1996 and approval was granted on 18 June 1998 with effect from 01 July 1997. Recognition of the Respondent-School for some time was withdrawn. The Petitioner was terminated. Further litigation ensued and

the Petitioner pursuant to the order of the Court joined duties. It is the case of the Petitioner that there was a break in the service from 01 January 2013 to 19 July 2017 and unless it is condoned, it will affect the Petitioner's salary and further career.

4. The Petitioner has made an Application to the Education Officer (Secondary), Zilla Parishad, Nagpur on 07 September 2020. Since, the Application is made and no decision is yet taken, it is not necessary for us to adjudicate the issue whether the Petitioner's break in service needs to be condoned.

5. The learned AGP states that since the break is beyond period of one year, the Application will have to be considered by the State Government.

6. If the Education Officer has not forwarded the Application to the State Government in the light of the fact that delay is more than one year, then the Education Officer (Secondary), Zilla Parishad, Nagpur shall immediately do so within a period of two weeks.

7. If the decision is to be taken by the Education Officer (Secondary), Zilla Parishad, Nagpur the same be taken within a period of eight weeks and communicate it to the Petitioner. In case it is to be taken by the State Government, then the period of eight weeks will commence from the date the Application reaches to it.

8. The above period will start from the date the copy of the order reaches to he Education Officer (Secondary), Zilla Parishad, Nagpur.
9. Writ Petition is accordingly disposed of in above terms.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]