

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4812 OF 2022

BABARAO VYANKATRAO CHANDANSHIVE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Shri Rodge Krishna P.
AGP for Respondents 1 to 3 : Shri S.G. Sangle
Advocate for Respondent 5 : Ms.Yogita Thorat

...

CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.

DATE :- 26th August, 2022

Per Court :-

1. The petitioner has put forth prayer clause B as under

:-

“B. *By a writ of certiorari or any other appropriate writ or direction in the like nature, the order dated 10.11.2014 issued by the respondent no.5-Education Officer cancelling the approval dated 01.10.2013 to the post of Shikshan Sevak in the respondent no.6-School granted in favour of petitioner may kindly be quashed and set aside and the said approval dated 01.10.2013 to the post of Shikshan Sevak may kindly be restored.*”

2. We have considered the submissions of the learned

counsel for the respective sides.

3. The learned advocate representing respondent No.5/ Education Officer (Primary), Zilla Parishad, Nanded, has vehemently opposed this petition. However, on instructions, she submits that a decision would be taken in the light of the directions issued by the Deputy Director of Education, Latur, dated 22.09.2017, to the Education Officers (Primary/Secondary) of the Latur Zilla Parishad, Nanded Zilla Parishad and Osmanabad Zilla Parishad, within a short period. She places on record the compilation received by her dated 25.08.2022 from respondent No.5, praying for four weeks time to take a decision and pass an order. The said communication (four pages) is taken on record and marked as "X" for identification.

4. The Deputy Director of Education had directed the Education Officers vide the letter dated 22.09.2017 by which, the payment of salaries of the employees, whose approval has been cancelled or suspended pending an enquiry, was to be resumed and they should be paid their salaries without further delay.

5. The petitioner is without such salary for 04 years and 11 months. The learned advocate for the petitioner submits that factually, he has not been paid his salary from 15.10.2015.

6. In view of the above, this Writ Petition is disposed off.

7. Since respondent No.5 has committed to consider the order of the Deputy Director of Education dated 22.09.2017 and will take a decision in the light of the same, we expect such exercise to be completed on or before 30.09.2022.

kps (ARUN R. PEDNEKER, J.) (RAVINDRA V. GHUGE, J.)