

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

907 CONT. PETITION NO.334 OF 2015
IN CP/234/2014

UMESH SHALIGRAM PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. R. S. Pawar
AGP for Respondents: Mr. S. G. Sangle
....

**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, J.**

DATE : 11.10.2022

PER COURT :-

1. In the First order passed by the High Court dated 7th May, 2013, in Writ Petition No. 10544 of 2012, it was recorded in paragraph No. 2 as under :-

In the facts and circumstances of the present case, we deem it appropriated to dispose of this petition by issuing directions to the respondents to take decision on the proposals regarding their absorption, in accordance with the Government Resolution dated 15.09.2010m as expeditiously as possible and preferably within a period of 4 months from today and it is accordingly directed. Writ Petition stands disposed of.

2. It is thus obvious that this Court had directed that the proposal regarding absorption shall be decided in accordance with G.R. dated 15.09.2010 within a period of four months. As this was not done, the petitioner preferred Contempt Petition No. 234 of 2014. Vide order dated 2.2.2015, this Court recorded that the respondents have to decide the proposal seeking approval and cannot shirk the responsibility of deciding it on merits. It was also recorded that, it was undisputed that the petitioners were appointed on 01.03.2009. This Court, therefore, directed the respondents in paragraph No. 5(a) that the respondent authority shall decide the proposal on its own merits.

3. Today, the learned AGP has placed before us a copy of the order dated 26.04.2022 passed by Dr. B. B. Chavan, Dy. Director Education, Nashik Division Nashik, communicating that the proposal of the petitioner has been rejected on merits. The said communication is taken on record and marked as 'X' for identification.

4. The learned Advocate for the petitioners submits that the contents of the document 'X' are brought to the notice of the petitioner today and whatever decision has been

purportedly taken by the Dy. Director Education, has not been conveyed to the petitioner. He therefore, prays for costs.

5. In view of the above, this petition is disposed off in view of the compliance of the order. However, as the decision dated 19.05.2021 and 05.07.2020 has not been communicated to the petitioners till today, we deem it appropriate to imposed cost of Rs. 5,000/- (Rupees Five Thousand) on the Education Department State of Maharashtra to be paid to the petitioners within six weeks from today.

6. Needless to state that, the petitioner would be at liberty to challenge the decision dated 19.05.2021, and 05.07.2020 by preferring a proceeding, as may be permissible in law.

**(SANJAY A. DESHMUKH)
JUDGE**

**(RAVINDRA V. GHUGE,)
JUDGE**

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