

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7284 OF 2021

Prakash Dattatrya Bhede	...	Petitioner
Versus		
The Deputy Director of Education		
Kolhapur Division, Kolhapur & Ors.	...	Respondents

Mr. Anand S. Patil, Advocate for the Petitioners.

Mrs. P. J. Gavhane, AGP for the Respondent Nos.1 and 2 /State.

Mr. Saurabh Mandlik i/b. Mr. Meelan Topkar, Advocate for Respondent Nos.3 and 4.

**CORAM: S.V. GANGAPURWALA &
M. S. KARNIK, JJ.**

DATED : AUGUST 5, 2022

P.C.

1. The proposal of the petitioner for release of the salary for the period between 11th November 2011 to 13th November 2016 is rejected by the Deputy Director of Education. The same is rejected on the ground of non-regularization of suspension period and also period from 11th November 2011 to 13th November 2016 is not continuous service. According to the petitioner, the service book also demonstrate that the said period is regularized. The same is not considered by the Authority.

2. The impugned order is quashed and set aside. The petitioner and respondent Nos.3 and 4 shall appear before

the Deputy Director of Education on 6th September 2022 and put forth all the documents in their possession and the stand with regard to the suspension period from 1st September 2010 to 10th November 2011 and also from the period 11th November 2011 to 13th November 2016. Of course, the Deputy Director of Education is not bound by the consent terms of the parties inter se, however, it shall consider the effect of the same. The Deputy Director of Education shall take decision upon it within six months from the date of appearance.

3, The writ petition is disposed of. No costs.

(M. S. KARNIK, J.)

(S.V. GANGAPURWALA, J.)