

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL WRIT PETITION NO.4109 OF 2019

Chandanshive Subhash Gulab

...Petitioner

Vs.

The State of Maharashtra and Ors.

...Respondents

Mr. Mahesh Rawool i/b Mr. Avinash B. Avhad for Petitioner.
Mr. N. C. Walimbe, AGP for Respondent Nos.1 to 3-State.
Mr. Ajit Kenjale for Respondent Nos.4 and 5.

**CORAM : NITIN JAMDAR &
AMIT B. BORKAR, JJ.**

**DATED : 6 JANUARY 2022.
(Through Video Conferencing)**

P. C. :

Heard learned counsel for the parties.

2. The matter has become bulky by reply and various documents, however there is no clarity on two basic aspects. First as to that is the submission of proposal of the Respondent-Management in favour of appointment of the Petitioner and the rejection or otherwise of the said proposal, by the Education Officer. These are the basic steps in the matter.

3. We are informed that the Respondent-Management submitted the proposal to the Respondent No.3 on 30 May 2014. What is shown to us at page 49 is not a decision upon the proposal but it is in the context of an application made by the Petitioner on 25 July 2015. Therefore as on date, we do not find that there is any decision on the proposal submitted by the Respondent-Management.

4. We deprecate this practice on the part of Education Authorities by not deciding the cases and calling upon this Court to decide whether approval should be granted at the first instance, by filing replies. It is the duty of the Education Authorities to take the decision.

5. Respondent Nos. 2 or 3, as applicable, are directed to take decision on the proposal of the Respondent-Management dated 30 May 2014 within a period of two weeks from today without fail. It is not necessary for the Respondent Nos. 2 and 3 to wait for a copy of the order, as the order is dictated in presence of learned AGP. If the decision is taken, the same to be communicated to the Petitioner and Respondent-Management immediately.

6. Writ Petition is accordingly disposed of.

(AMIT B. BORKAR, J.)

(NITIN JAMDAR, J.)