

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 1086 OF 2021

Murlidhar s/o Marotrao Gadwale,
aged about 75 years, Occ. Retired Assistant Teacher,
R/o Moti Nagar, Near Moti Bagh,
Amravati – 444606, Tq. and Dist. Amravati.

PETITIONER

.....VERSUS.....

1. State of Maharashtra,
through its Secretary,
School Education Department,
Mantralaya, Mumbai – 400032.
2. The Deputy Director of Education,
Amravati Division, Amravati.
3. The Education Officer (Secondary),
Amravati Camp, Amravati.
4. Head Mistress, Shri Gajanan Maharaj High School
and Junior College, Amravati,
New Congress Nagar, Amravati,
Tq. & Dist. Amravati.

RESPONDENTS

Shri D.P. Dapurkar h/f Shri V.A. Kothale, Advocate for the petitioner.
Shri D.P. Thakare, Additional Government Pleader for respondent Nos. 1 to 3/
State.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : 9/11/2022

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned
counsel for the parties.

2. The petitioner came to be appointed on the post of Assistant
Teacher on 16/7/1966. Subsequently, his services came to be absorbed at

respondent No.4 – School till 30/3/1981. Since the services of the petitioner came to be terminated, he filed an appeal before the School Tribunal which came to be allowed on 7/1/1993 directing his reinstatement with continuity in service. The petitioner retired on attaining the age of superannuation on 1/7/2003. Since there was a break in service for a duration of 2 years 1 month and 15 days, the Management submitted a proposal in that regard to the Deputy Director of Education, Amravati. In turn, the Deputy Director of Education on 21/12/2019 has sought requisite guidance from respondent No.1 – Department of School Education. Since no decision has been taken, the present Writ Petition has been filed praying that the said break in service be condoned in the interest of justice.

3. On hearing the learned Counsel for the parties, we find that it would be necessary for respondent No.1 to take a decision on the proposal dated 21/12/2019 that has been issued by the Deputy Director of Education to the State Government. This would facilitate redressal of the petitioner's grievance in that regard.

4. In that view of the matter, the Writ Petition is disposed of by directing respondent No.1 to decide the proposal dated 21/12/2019 forwarded by the Deputy Director of Education, Amravati Division, Amravati seeking condonation of break in service for a period of 2 years 1

month and 15 days. Necessary decision in that regard be taken within a period of six weeks from the date of communication of this order. The petitioner as well as the learned Additional Government Pleader shall communicate this order to respondent No.1. All points on merits are kept open.

5. Rule is made absolute in the aforesaid terms. No costs.

(M.W. CHANDWANI, J.)

(A.S. CHANDURKAR, J.)

SUMIT