

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

952 CIVIL APPLICATION NO.749 OF 2023
IN WP/5269/2022

SATISH UTTAMRAO RATHOD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.N.P.Patil Jamalpurkar, Advocate for the applicant.
Mr.S.G.Karlekar, AGP for the respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : JANUARY 20, 2023

PER COURT :

1. The petition is dismissed on account of default. Delay of 95 days is caused in filing this civil application.
2. Heard the learned Advocates for the respective sides. For the reasons cited, this civil application is allowed. Delay is condoned.
3. Since the learned Advocate for the petitioner submits on instructions that this petition can be disposed off in terms of the order dated 10.01.2023, passed in WP No.6729/2022, considering the

submissions of the learned AGP, the writ petition stands restored and is disposed off by passing the same order as under :-

"1. The petitioners have put forth prayer clauses B and C, which read as under :-

“B) The respondent nos.2 & 3 may please be directed to forthwith grant approval to the appointments of the petitioners no.1 & 2 as Higher Secondary Teachers from the date of their initial appointments i.e. 20.06.2013, by issuing writ of mandamus or any other appropriate writ, order or directions in the nature of writ of mandamus.

C) The respondents no.1 to 4 may please be directed to forthwith sanction, release & pay the arrears of salary in favour of the petitioners no.1 and 2 from the date of their initial appointments i.e. 20.06.2013 and further pay them monthly regular salary henceforth, by issuing writ of mandamus or any other appropriate writ, order or directions in the nature of writ of mandamus"

2. Across the Bar, the learned advocate for the petitioners submits, on instructions, that they would not press for a direction of this Court to grant approvals. They would only pray that the proposals with regard to these petitioners may be considered for approval by the competent authority in the light of the Government Resolutions dated 21.01.2013, 08.03.2019 and 23.03.2022.

3. The learned advocate for the petitioners further submits that the petitioners desire to make a comprehensive representation to the competent authority.

4. The learned AGP submits that it is for the competent

authority to look into as to which Government Resolution would be applicable. As the petitioners have cited three Government Resolutions, the competent authority would consider the issue in the light of all such Government Resolutions as would be applicable to the cases of the petitioners.

5. *In view of the above, this writ petition is disposed off with the direction that if comprehensive representations are tendered by the petitioners to the competent authority, it would be the competent authority, vested with the jurisdiction by law, which would consider the said representations in the light of all such Government Resolutions as are applicable, within a period of THREE MONTHS from the date of receipt of such representations."*

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)