

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

31 WRIT PETITION NO.3915 OF 2023

DEEPAK SITARAM KUDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Mr.A.B. Tele, Advocate for the Petitioner.
Mr.S.K. Tambe, AGP for Respondent/State.
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 10th APRIL, 2023.**

PER COURT :-

1. We have considered the submissions of the learned Advocate for the Petitioner and have gone through the petition paper book with his assistance.

2. The limited grievance before this Court is that the Petitioner claims to have been appointed on probation by order dated 25.09.2003. Copy of the said order is placed on record. By communication dated 24.06.2005, the probation period of the Petitioner was approved. By order dated 24.06.2005, he was granted permanent approval. He claims to have been confirmed in service after completion of the probation period. By order dated 19.10.2022, the Petitioner has been dismissed from service after conducting a departmental enquiry since the charge of continuous unauthorized absenteeism from 15.06.2017, for 5 years, has been proved against

him. He has assailed the said order by preferring an appeal before School Tribunal.

3. Grievance of the Petitioner is that in order to manipulate the seniority of the Petitioner, the Management, especially the Secretary Shri Satish Kumphale has changed the dates of appointments of the Petitioner. He raised a grievance before the Education Officer (Secondary) Zilla Parishad, Jalna. By a detailed order of the Education Officer (Secondary), Zilla Parishad, Jalna, the petitioner's case has been put forth before the Deputy Director of Education, Aurangabad for deciding as to what is the exact date of appointment of the Petitioner in order to consider his seniority. Said matter is still pending.

4. In view of the above, this petition is disposed off with a direction to Respondent No.2 to decide the said issue on or before 31st May, 2023 by following the due procedure laid down in law and by granting an opportunity of hearing to all the stakeholders.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

sga/