

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6633 OF 2023

VAISHALI RAGHUNATH AGALE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH
THE PRINCIPAL SECRETARY AND OTHERS**

...

Advocate for Petitioner : Mr. Shelke Shivaji T.

AGP for Respondent Nos. 1 to 3/State : Mr. A. A. Jagatkar

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 20 JUNE 2023.

PER COURT :

Heard the learned Advocate for the petitioner and the learned AGP for the respondent nos. 1 to 3.

1. Petitioner's appointment as Assistant Teacher on the respondent no.4 – School is under cloud. By the impugned order, respondent no.2/ Deputy Director of Education, Pune has refused to include her name in the online portal.

2. Pertinently, by the order dated 24.08.2022, respondent no.2/ Deputy Director of Education, Pune, had called upon the respondent

no.3/Education Officer (Secondary), Ahmednagar to submit a report / proposal in respect of the petitioner for inclusion of her name in the online portal. It appears that in spite of the remainder, no such report was received by the respondent no.2/Deputy Director of Education, Pune from respondent no.3/Education Officer (Secondary), Ahmednagar and ultimately, the order seems to have been passed in the absence of any report by the respondent no.2.

3. We cannot countenance the pathetic state of affairs, where the superior officer is unable to procure the report from his subordinate who is hellbent to disobey the superiors' order. The respondent no.2 cannot be so helpless as to pass the order without calling upon the respondent no.3 to submit a report.

4. Be that as it may, the writ petition is allowed partly. The impugned order is quashed and set aside. Respondent no.3 shall submit the report to respondent no.2 as expeditiously as possible and in any case within four weeks from today and the respondent no.2 shall pass a fresh order within further four weeks from the date he received the report from the respondent no.3.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]