

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

939 WRIT PETITION NO.8982 OF 2023

**SWATI SHASHIKANT KULKARNI
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS**

...

Advocate for Petitioner : Mr. Jagtap Adinath B.
AGP for Respondents/State : Mrs. M.A. Deshpande

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

DATE : 26.07.2023

PER COURT :

Heard the learned advocate for the petitioner and the learned A.G.P

2. The learned advocate for the petitioner submits that in spite of the order passed on 17.03.2022 whereby, pursuant to her selection when she was seeking a place of posting her request was denied on the ground that she was already posted at particular school but had not joined and as a result her appointment was cancelled. However, by a subsequent directions on the administrative side on 08.07.2022 (Exhibit 'E') a list of the candidates was published and they were directed to be given postings.

3. The learned A.G.P submits that this indulgence by circular dated 08.07.2022 was given to only such candidates who were not at all given any posting which is not the case with the petitioner who was given a posting but had failed to join within the stipulated time and her appointment itself was cancelled.

4. To counter this submission, the learned advocate for the petitioner submits that there are at least four candidates who are similarly placed like

the petitioner who were given the postings but had not joined and still instead of cancelling their appointment they have been given posting pursuant to the circular dated 08.07.2022.

5. We need not go into the factual disputes. The petitioner's application addressed to the Director of Education (Primary), Pune dated 11.03.2023 (Exhibit 'G') is still to be considered and decided. We dispose of the writ petition by directing the respondent No. 3 to take appropriate decision on the petitioner's application (Exhibit 'G') as expeditiously as possible and in any case within eight weeks from today on its own merits.

6. All issues are kept open.

7. Leave is granted to the petitioner to put up additional application with the respondent No. 3.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-