

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

WRIT PETITION NO.14128 OF 2021

BHAVANA TANAJI JATHAR ALIAS BHAVANA SANJAY DHORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. V.S. Panpatte
AGP for Respondent Nos. 1 to 3: Mr. A.S. Shinde.
Advocate for respondent NO.5 : Mr. B.P. Ganore.

**CORAM : MANGESH S. PATIL
& S.G. CHAPALGAONKAR, JJ.**

DATE : 14th JUNE, 2023

P.C.:-

Heard learned counsel for the petitioner, as also, learned AGP, finally.

2. Petitioner, who was earlier appointed and working as a teacher in a previous school is seeking counting of her previous service as contemplated under Rule 48 of the Maharashtra Civil Services (Pension) Rules. She claims that on the previous day, she was relieved from the earlier school and joined the new school on a fresh appointment on the very next day.

3. Petitioner's request is not being considered by the respondent authorities, as can be seen from the communication dated 16.4.2019. The respondent Education Officer (Secondary) has written to

the respondent Deputy Director of Education, apparently taking some view about the petitioner's entitlement regarding continuation and pay protection. However, he has not expressly decided anything.

4. Pertinently by an earlier communication, in response to which the Education Officer has written to the Deputy Director of Education, on 12.3.2019, the respondent Deputy Director of Education had called upon the Education Officer to consider the petitioner's case and to forward the proposal. It is therefore apparent that further decision will have to be taken by the respondent Deputy Director of Education.

4 Without expressing anything on merit regarding entitlement of the petitioner, the writ petition is disposed of by directing the respondent No.2 Deputy Director of Education, to consider the petitioner's case and take decision finally on its own merit, as expeditiously as possible and in any case, within a period of six weeks.

[S.G. CHAPALGAONKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

grt/-