



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

WRIT PETITION NO. 14573 OF 2019

**DILIP MAROTI MURADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. Gandhi Amol S.
AGP for Respondents/State : Mr. V.M. Jaware
Advocate for Respondent No.3 & 4 : Mr. S.S. Jadhavar

...

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

DATE : 28 AUGUST 2024

PER COURT :

. Heard both the sides.

2. The petitioner was appointed by the respondent no.3/Management in the respondent no.4/School. The respondent no.2/Education Officer by the order dated 06.04.2013 held him entitled to have a B.Ed. Pay scale and directed the respondent no.3/Management and respondent no.4/School to take appropriate steps.

3. It transpires that the respondent nos. 3 and 4 made an attempt to challenge this direction of the respondent no.2/Education Officer by filing Writ Petition No.4951/2013. By the order dated 21.03.2018,

Writ Petition was dismissed, since in spite of dismissal of the writ petition, no steps were being taken by the management to comply with the order, the present writ petition has been preferred.

4. By filing Civil Application No.14064/2022 with Review Application Stamp No.18824/2018, respondent no.3 and 4 sought review of the judgment and order dated 21.03.2018 in Writ Petition No.4951/2013. It transpires that the registration of review application was refused for non-removal of the office objections, by order dated 06.05.2024. In a Civil Application No.14064/2022 preferred by the respondent no.3/Management, the review application was directed to be registered expecting the management to remove the office objections on or before 20.06.2024. Since the office objections have not been removed and the review application has not been registered, there is no matter which can be said to be sub judice before this Court questioning sustainability of the order passed by the respondent no.2/Education Officer way back in the year 2013.

5. Though the learned advocate for the respondent nos. 3 and 4 is seeking time to remove the office objections and even praying for extension of the time, there is no motion or separate application preferred making such a request. It is an afterthought. As it is, the objections have not been removed in spite of time having been extended for want of which the review application has not been registered.

6. The upshot the respondent nos. 3 and 4 i.e. the Management and the School are under obligation to comply with and follow the directions contained in the order passed by the respondent no.2/Education Officer.

7. We allow the writ petition and direct the respondent nos. 3 and 4 to take emergent steps in compliance with the directions contained in the order dated 06.04.2013 passed by the Education Officer as expeditiously as possible and in any case within six weeks.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]