

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7648 OF 2024

Usmangani Iqbal Shaikh

...Petitioner

Versus

The State Of Maharashtra

Thr. The Secretary And Ors.

...Respondents

Mr. Sushant Khatake, Advocate for the Petitioner.

Ms. Nisha Mehra, AGP for Respondent Nos.1 to 4/State.

Ms. Shivaa Navanne, Advocate for Respondent Nos. 5 & 6.

CORAM : RAVINDRA V. GHUGE

&

M.M. SATHAYE, JJ.

DATE :- 15th OCTOBER, 2024

PER COURT :-

1. The Petitioner has put forth prayer clauses 'b', 'c' and 'd',
as under :

“(b) By a suitable Writ, Order or direction, this Hon’ble Court be pleased to direct the Respondent No.4-Deputy Director of Education to decide the proposal sent by the Respondent No.5-Educational Institution and Principal of the Respondent No.6-Junior College for individual approval to the appointment of the Petitioner in the post of Laboratory Assistant at Respondent No.6-Junior College within the stipulated period which this Hon’ble court may deem fit and accordingly, grant individual approval to the appointment of the Petitioner;

(c) By suitable writ, order or direction, this Hon'ble Court be pleased to direct the Respondent No.2 to allot Shalarth ID to the Petitioner and to include the name of the Petitioner in Shalarth Pranali within two weeks from the date of granting approval in the post of Laboratory Assistant or within any other period which this Hon'ble Court deems fit and proper;

(d) Pending the hearing and final disposal of this Writ Petition, this Hon'ble Court be pleased to restrain the Respondents from absorbing any surplus Laboratory Assistant on the post already occupied by the Petitioner at Respondent no.6-Junior college and maintain the status quo in respect of the said post occupied by the Petitioner;"

2. We have heard the learned Advocates for the Petitioners and the Management, and the learned AGP for the State.

3. Insofar as prayer clause 'd' is concerned, we would not entertain the said prayer, since the surplus teachers have certain rights in law.

4. The learned Advocate for the Petitioner submits that an advertisement was published by the Management in 'Damaji Express' newspaper on 2nd September, 2012.

5. Since the Petitioner prays that the pending proposal be

decided on its merits, we are not expressing any view on the advertisement.

6. Let the Deputy Director of Education meticulously scrutinize the records and follow the due procedure laid down in law while deciding the pending proposal, dated 18th September, 2020. We make it clear that we are not expressing any view or any opinion about the claim of the Petitioner and Respondent No.4 is at liberty to decide the proposal strictly on its merits and preferable within a period of 90 days.

7. With the above observations, **this Writ Petition is disposed off.**

(M.M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)