

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8319 OF 2015

Prakash Nagappa Benur

...Petitioner

V/s.

The Principal, Mahatma Gandhi Naturopathy
Rural Medical College, Umadi & Ors.

...Respondents

Mr. Ramdas A. Shelke a/w. Adv. Priya A. Patil for the Petitioner.

Mr. Gautam T. Kanchanpurkar for Respondent Nos. 1 & 2.

Ms. Rupali Shinde, AGP for Respondent Nos. 3 to 5-State.

CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.

DATED : 22nd FEBRUARY, 2024

P.C.:

1. On 21st December, 2023, the following order came to be passed:-

“1. We have heard learned Counsel for the parties on the challenge raised to the communication dated 3rd June 2022 by which the proposal dated 18.05.2022 seeking approval to the appointment of the Petitioner has been rejected. In the impugned communication reference has been made to the Government Circular dated 30th June 2017. As per this circular the manner in which the available funds have to be distributed in the year 2017-18 has been indicated. It is seen from the order dated 5th April 2022 passed in the present proceedings that the fact that the Petitioner was working since the year 2004, coupled with the fact

that in the year 2019 one post kept for the open category was available for accommodating the Petitioner, has been recorded. Without considering these aspects, the proposal has been rejected on irrelevant considerations. This would be clear on a complete reading of the Government Circular dated 30th June 2017. Since that is the only reason indicated in the impugned communication dated 3rd June 2022 for rejecting the proposal, we are inclined to direct Respondent No.4 to re-consider the proposal dated 18.05.2022 by taking into consideration the observations made by this Court in its order dated 5th April 2022. Respondent No.4 is thus directed to decide the said proposal dated 18.05.2022 afresh and in accordance with law within a period of six weeks of receiving a copy of this order.

2. Stand over to 22nd February 2024 to enable further consideration of the Writ Petition.”

2. Learned AGP on instructions from R. B. Bavsar, Director, Vocational Training, Pune, states that the decision on re-consideration of the proposal would be taken within a period of three weeks.

3. In the light of this commitment given before us by learned AGP on instructions, we dispose of the Writ Petition.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)