

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7390 OF 2015

Smt. Darshana Ashish Kasture

...Petitioner

Versus

Deputy Director Of Education, Pune Region,
Pune And Ors.

...Respondents

Mr. Raufa Shaikh i/b Yuvraj Narvankar for Petitioner.

Mr. Vinayak kumbhar i/b Sagar More for Respondent No.3.

Ms. N.M. Mehra, AGP for Respondent Nos. 1, 2 and 4.

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

DATE : 4 MARCH 2024

P.C.:

. Heard learned counsel for the parties.

2. The original Petitioner filed this writ petition on 16 July 2015 challenging the action of Respondent Nos. 1 and 2 i.e. Deputy Director of Education, Pune Region, Pune and Education Officer (Secondary), Zilla Parishad, Solapur in canceling the appointment given to the Petitioner and canceling the approval of the Petitioner as the Head of the school.

3. It was the case of the Petitioner that on 1 August 2000, the Petitioner came to be appointed as 'Shikshan Sevak' and as a

permanent teacher, from 1 August 2003. It was further the case of the Petitioner that Respondent No.3 was terminated, against which an appeal was filed which was allowed and a writ petition was filed in this Court. The Petitioner has thereafter, narrated in the petition various proceedings that have taken place. Ultimately by the impugned order dated 1 April 2015, the approval to Petitioner's appointment as a teacher as well as approval to the promotion of the Petitioner as Head of the school was canceled.

4. In this writ petition an ad-interim order came to be passed on 3 August 2015 whereby ad-interim relief was granted in terms of prayer clause (B), staying the orders dated 1 April 2015 and 2 June 2015 were stayed. This interim order has continued. That being the position, the order dated 1 April 2015 did not come into effect.

5. Petitioner expired on 4 May 2021. Thereafter, by way of an application, the legal heirs of the Petitioner are brought on record. In the amendment bringing the legal heirs on record, it is stated that the legal heirs are entitled to pensionary benefits.

6. Therefore, the issue now only remaining of monetary benefits. In the light of these circumstances, we are of the opinion that the Deputy Director of Education will have to take a decision taking into consideration that the impugned order canceling the approval to the appointment of the Petitioner as a Teacher as well as promotion as the Head of the school was stayed by this Court in the year 2015,

and it was continued and that the Petitioner has now expired. The claim now remains only regarding the monetary benefits. None of these contingencies were before the Deputy Director of Education when the impugned order was passed.

7. Therefore, we dispose of the petition directing that the file of this case be placed before the Deputy Director of Education who would take necessary decision in this regard as to the claim of the heirs of the original Petitioner to the monetary benefits. Subject to the earlier time bound directions and pressing public duties, the Deputy Director of Education would take a decision within a period of 12 weeks, after giving opportunity to all affected parties.

8. In case of any adverse decision, it is kept open to the parties to adopt such legal remedies as may be available in law.

9. Writ Petition is disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)