

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 1008 OF 2024

Somnath Krishna Pavnekar and Ors.

... Petitioners

V/s.

The State of Maharashtra and Ors.

... Respondents

Mr. Vishal Kanade with Mr. Saumitra Salunke, Ms. Swapnil Chavan
i/b. Mr. Pradeep Yadav for the Petitioners

Mr. V.M. Mali, AGP for the Respondent Nos. 1 and 2

Mr. Milind Deshmukh for Respondent No.3

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

DATE : 30 JANUARY 2024

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioners have sought a prayer against the State Authority and the Respondent No.3 – Management which is in essence implementation of the consent terms arrived at between the Petitioner and the Respondent – Management in Writ Petition No. 2549 of 2018 in which the order was passed on 13 September 2021 as corrected by order dated 29 October 2021.

3. As regard the directions to the State Authorities based on the consent terms are concerned such a mandamus cannot be issued because the consent terms are not signed by learned AGP for the State. These consent terms therefore cannot be made binding on the State Government. This fact is also clarified that by order dated 29 October 2021 which only directs the Respondent – State Government to consider the proposal that would be submitted by the Management in accordance with the law.

4. The learned Counsel for the Petitioners based with this position submits that the directions be given to the Respondent – State Authorities to consider the proposal which is according to the Petitioners is submitted by the Management. The Petition does not contain a specific proposal that is sent by the Respondent – Management in respect of the Petitioners but we proceed on the basis of the assertion made by the learned Counsel for the Petitioners.

5. Based on this assertion, we dispose of the Petition directing that the Respondent – Education Authorities will take a decision upon a proposal for approval, if so submitted, within a period of twelve weeks, subject to earlier time bound commitments and pressing public duties. We make it clear that the proposal for approval shall be decided independent of the consent terms strictly as per the Rules and Regulations.

6. The Writ Petition is disposed of.

7. We reiterate the position of law that merely on the ground that approval was not granted cannot be a reason for terminating the services of the employee as laid down by the Full Bench of this Court in the case of *St. Ulai High School & Anr. vs. Shri Devendraprasad Jagannath Singh*¹.

M.M. SATHAYE, J.

NITIN JAMDAR, J.

¹(2007) 1 Mah.LJ 597