

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3510 OF 2015

Anil Bhimrao Patil

...Petitioner

Versus

The Government Of Maharashtra Through The
Secretary, School Education Department,
Mantralaya, Mumbai And Ors.

...Respondents

Mr. Narendra V. Bandiwadekar, Senior Advocate a/w. Vinayak R. Kumbhar, Rajendra B. Khaire and Aniket S. Phapale i/b. Ashwini N. Bandiwadekar, for Petitioner.

Ms. Deepali i/b. Saurabh Oka, for Respondent No. 5.

Ms. Pooja Joshi-Deshpande, AGP for Respondent No.2.

Mr. Mandar Limaye, for Respondent No.3.

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

DATE : 6 MARCH 2024

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RAHAMAN
NADAF

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Date: 2024.03.13
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P.C.:

. Heard learned counsel for the parties.

2. The Petitioner has challenged the order dated 7 July 2014 issued by Respondent No.2- Deputy Director of Education, Mumbai granting approval to the appointment of the Respondent No.5 on a proposal submitted by Respondent- Management. The Petitioner has also sought a direction to absorb the Petitioner as full time teacher in English subject in Respondent No. 4- Junior College by transferring

the Petitioner from the secondary section of another school of the Management. Petitioner further seeks a direction to release of grant in aid for payment of salary etc.

3. When the Petitioner came to know that the Respondent-Management is submitting a proposal for appointment of Respondent No. 5 as full time teacher in English subject in Junior College, the Petitioner made various representations and complaints to the Respondent- Management. The Respondent- Management however, submitted the proposal in respect of Respondent No. 5, which came to be approved by the Deputy Director of Education by the impugned order.

4. As regards merits of the Petitioner's complaint whether the Petitioner should have been transferred from Secondary School to the Junior College, we do not have any decision on record. According to the Petitioner, in spite of complaint, if the Management has submitted the proposal for Respondent No. 5 then the complaint is deemed to have been rejected.

5. Because the proposal was submitted by the Management, the Deputy Director of Education has accepted the same. Therefore, the Petitioner's complaint has remained to be adjudicated. We are informed that the Petitioner is also now approved as full time teacher but has continued in secondary section. The Petitioner's claim to be appointed as full time teacher in Junior College still remains.

6. That be the position, we direct Respondent No. 2 - Deputy Director of Education to treat the petition and pleadings as the representation of the Petitioner, response of the Respondents and take a decision on the complaint of the Petitioner. We keep all contentions open.
7. The Petitioner and Respondents are permitted to file additional material, if they intend to do so, within a period of four weeks.
8. After giving opportunity of hearing to the concerned parties, the Deputy Director of Education, subject to earlier time bound directions and pressing public duties, will pass a reasoned order within a period of 12 weeks thereafter.
9. Writ petition is disposed of in the above terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)