

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 3418 OF 2021

Mrs.Anjali Anay Sumant. ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

Mr.Bhushan U. Tayade for the Petitioner.
Mr.B.V.Samant, Addl.GP with S.B.Kalel, AGP for the State.

SANJAY
KASHINATH
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**CORAM : NITIN JAMDAR, AND
M.M. SATHAYE, JJ.**

DATE : 10 January 2024.

P.C. :

The Petitioner has sought to quash the impugned order dated 13 July 2020 stated to be passed by Respondent Nos.4 and 5 where the Petitioner is stated to be working. This is not an order by Respondent Nos.4 and 5- the educational institute, but it is a proposal submitted to the Education Officer by them for approval to the appointment of the Petitioner.

2. It appears that the Petitioner is aggrieved by the delayed submission of the Petitioner's proposal. As to what is the outcome of the proposal is not before us. Respondent Nos.4 and 5- Management are not before us in spite of service. Therefore, we are not aware whether Respondent Nos.4 and 5 are supporting the case

of the Petitioner. As to whether approval to the appointment of the Petitioner should be granted by the State or not is the matter between the Respondent- Management and the State Government. According to the Petitioner, the proposal is still pending.

3. While we dispose of the petition keeping it open to Respondent Nos.4 and 5 to seek approval on the pending proposal, we observe that merely because the approval is not granted and if the Petitioner is working with Respondent Nos.4 and 5 as on date, the liability of Respondent Nos.4 and 5- Management to pay the salary and such other monetary benefits to the Petitioner as per the governing rules is not lost and the services of the Petitioner cannot be terminated solely on the ground that the approval is not granted.

4. Accordingly, with the aforesaid clarification, writ petition is disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)