

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12346 OF 2022

Shri. Prince Shivaji Maratha Boarding House,
Kolhapur And Ors

...Petitioners

Versus

The State Of Maharashtra Through The
Secretary, School Education and Sports
Department, Mantralaya, Mumbai And Ors.

...Respondents

.....

Mr. Prashant Bhavake, Advocate for Petitioner.

Ms. N.M. Mehtra, AGP Advocate for Respondent Nos.1 to 3-State.

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

DATE : 15 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 1 Management, Petitioner No. 2 School and Petitioner No. 3 / Employee have jointly approached this Court for direction to Respondent No. 4 – Deputy Director of Education, Kolhapur Region Kolhapur to sanction basic part time post for Defence Studies subject at Petitioner No. 2 School with retrospective effect from academic year 1999-2000 and accordingly revise staff schedule. The Petitioners are also seeking further direction to

Respondent No. 4 to grant individual approval to Petitioner No. 3 w.e.f. 15.06.2012 in part time post of assistant teacher instead of CHB basis and accordingly allot Shararth ID and to release salary etc.

3. It is submitted that the Petitioners' said request is pending with the Respondent Authorities for a long time and despite representation dated 24 May 2021, it is kept pending.

4. In view of said pendency of the proposal/representation, the Respondent No.4 Dy Director is directed to communicate its objections / proposed grounds of rejection to the Petitioner Institute / Management, if any, within a period of 3 weeks from today. The Petitioners shall thereafter submit its explanation to the proposed objections, along with supporting material including case laws, orders of this Court, GRs etc, if relied upon.

5. The Respondent No.4 Deputy Director is thereafter directed to decide the pending proposal/representation of the Petitioners by dealing with the explanations and material submitted by the Petitioners and pass a reasoned order, within 8 weeks from today, subject to other time bound directions and pressing public duty.

6. We have not expressed any opinion on the Petitioners' proposal and the same shall be decided on its own merits in accordance with law. Needless to mention that if the Respondent Dy Director proposes to pass order in favour of the Petitioners, the

aforesaid procedure/directions will not apply.

7. The writ petition is disposed of in the aforesaid terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)