

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 15430 OF 2022

Smt.Gokula Vasant Patil. ... Petitioner.

V/s.

The State of Maharashtra and others. ... Respondents.

Mr.Vinod S. Chate with Kalpana V. Chate i/b. Chate and
Associates for the Petitioner.

Ms.A.A.Purav, AGP for Respondent Nos.1 to 4.

Ms.Manisha Devkar for Respondent Nos.5 and 6.

SANJAY
KASHINATH
NANOSKAR

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

DATE : 15 January 2024.

P.C. :

The Petitioner is now superannuated from the service. The Petitioner had last worked with Respondent Nos.5 and 6. There was a break in service. As to whether break in service to be condoned for the pensionary benefits is within the power and jurisdiction of the Joint Director of Education. Nothing is shown that Respondent Nos.5 and 6 could exercise the power to reject the proposal.

2. Accordingly we dispose the petition directing Respondent Nos.5 and 6 to forward the proposal of the Petitioner to

the Joint Director of Education with whatever material and documentation they have, and it is for the Joint Director of Education to take decision in this regard. Let the proposal be forwarded to the State Government by Respondent Nos.5 and 6 within a period of four weeks. Thereafter the Joint Director of Education will take decision as per law. We make it clear that whether to grant condonation of break in service is the decision of the Joint Director of Education who will take as per law and facts.

3. Writ petition is accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)