

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3592 OF 2024

Smt. Shamim Zakirhusen Pathan

...Petitioner

Versus

The State Of Maharashtra And Ors

...Respondent

Mr. Prashant Bhavake for the Petitioner.

Mr. Utkarsh Desai for the Respondent Nos. 6 & 7

Mr. V. M. Mali, AGP for the Respondent-State

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

DATED : 14 MARCH, 2024

P.C.:

1. Heard learned Counsel for the parties.
2. Learned Counsel for the Petitioner and the Respondent-Management, together in this cause, state that in spite of fulfilling all shortfalls, no decision on the proposal of the Petitioner's appointment is taken by the Education Officer.
3. Learned Counsel for the Petitioner and the Respondent-Management states that Caste Validity Certificate is now available and the roster is expected within 8 to 10 days. The order dated 22 December 2022 does not reject the approval but only states that in view of the shortfall the proposal cannot be considered at present.

4. It not being a rejection, it is always open for the Petitioner to fulfill the shortfalls pointed out and once they are fulfilled, it is for the Education Officer to take appropriate decision as per law. Therefore, we do not find there is any necessity to issue any writ. Once the shortfalls are removed or the explanation is given as to why the shortfalls are not necessary to be removed by the Petitioner and the Respondent-Management, the Education Officer will take appropriate decision within a reasonable period, preferably within 8 weeks, subject to earlier time bound directions. If the approval is granted, then all consequential steps will follow.

5. The Writ Petition is disposed of.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)