

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 5043 OF 2024

Pratik Mahadev Kumbhar

... Petitioner

V/s.

The State of Maharashtra and Ors.

... Respondents

Mr. Mihir Desai, Senior Advocate with Mr. Sachin Hande and Poonam Pal i/b. Sachin Hande for the Petitioner

Mr. Ratan L. Adhe i/b. Mr. Pankaj P. Deokar for Respondent No.3

Mr. K.S. Thorat, 'B' Panel Counsel for the Respondent Nos. 1 to 3 and 6 to 8

***CORAM : NITIN JAMDAR &
AMIT BORKAR, JJ.***

DATE : 08 APRIL 2024

P.C. :-

The Petitioner will give notice to Respondent Nos. 4 and 5 and file affidavit of service.

2. Stand over to **20 June 2024**.

3. The learned Senior Advocate for the Petitioner submitted that the approval was granted to the Petitioner's

appointment made on the compassionate basis upon the proposal submitted by the Management in favour of the Petitioner. Before the approval granted to the Petitioner's appointment was cancelled by the impugned order both, the Petitioner and the Management, were heard.

4. The learned Senior Advocate for the Petitioner prays for protection of service in the meanwhile. The Management has not challenged the order passed by the Deputy Director cancelling the approval. In the light of the decision of the Full Bench in the case of *St. Ulai High School v/s. Shri Devendraprasad Jagannath Singh*¹, merely because the approval is not granted, that alone cannot be a ground for dispensing with services of the employee, and the consequence of the impugned order having not been challenged by the Management would be that the Management will have to pay the salary of the Petitioner as per schedule 'C'. This position of law laid down by the Full Bench binds the Respondent – Management. Therefore, there is no need to pass any separate interim order till the next date.

AMIT BORKAR, J.

NITIN JAMDAR, J.

¹ (2007) 1 Mh.LJ 597