

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

WRIT PETITION NO. 18093 OF 2024

Jyoti Haribhau Mane

...Petitioner

Versus

The State Of Maharashtra & Ors.

...Respondents

Mr. Arvind Ambetkar, Advocate for the Petitioner.

Mr. V.G. Badgujar, AGP for Respondent Nos.1 to 3/State.

Mr. Milind Deshmukh, Advocate for Respondent No.4.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 11th DECEMBER, 2024

P.C. :-

1. We have heard the learned Advocates for the respective sides. The prayer of the Petitioner is that her proposal forwarded by the Management, seeking approval to her transfer from the unaided Establishment to the partially aided Establishment, be decided on its merits.

2. The learned AGP tenders photostat copies of two documents dated 31st May, 2023 and 4th October, 2023, which are

SUNNY
ANKUSHRAO
THOTE

Digitally signed
by SUNNY
ANKUSHRAO
THOTE
Date: 2024.12.14
12:49:36 +0530

taken on record and collectively marked as 'X' for identification. His contention is that there are certain ambiguities/deficiencies in the proposal. The Management is not removing the deficiencies despite the meetings held by the Senior Officers of the Education Department and the Management, through its Chairman and Joint Secretary.

3. The learned Advocate for the Management submits that whatever may be the deficiencies, the same would be cured by the Management within 45 days from today. Thereafter, the proposal would be forwarded and the same may be considered by the Deputy Director, Respondent No.3.

4. In view of the above, this **Writ Petition is disposed off** with the following directions:

(a) Respondent No.4 Management would remove the deficiencies, within a period of 45 days and submit the updated proposal.

(b) After the proposal is received by Respondent No.3, the due procedure laid down in law shall be followed and a reasoned order shall be passed within 45 days thereafter.

(c) If the Employees like the Petitioner before us, receive their approvals, all further contingencies with regard to grant of Shalarth-ID etc., would be completed expeditiously and the payment of salary shall commence. The arrears would be calculated in such cases and would be paid to such eligible candidates within a period of 60 days from the date of the decision.

(d) If any adverse order is passed, either in the case of the present Petitioner or any other similarly situated candidate, the aggrieved party would be at liberty to avail of a remedy as is permissible in law.

5. For clarity, we record that the above directions shall be applicable to all such cases involving similarly situated Employees whose proposals are pending removal of deficiencies, meaning thereby that, the above directions shall apply to the Management as well as the Education Department and the same procedure shall be followed, in all such pending cases.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)