

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4677 OF 2024

(Ritesh Murlidhar Pofale vs. State of Maharashtra and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr.P.P.Thakre, Advocate for the petitioner.

Mr.A.M.Kadukar, Assistant Government Pleader for the respondent
Nos.1 and 2.

Mr.P.A.Jibhkate, Advocate for respondent Nos.3 and 4.

CORAM : BHARATI DANGRE AND ABHAY J. MANTRI, JJ.

DATE : SEPTEMBER 26, 2024

The petitioner who holds the qualification of B.Sc. M.Sc. and B.Ed., was appointed as 'Assistant Teacher' in 2008 and he was confirmed in the said capacity on 01/07/2010 in the pay scale of Rs.9300-34800.

2) The petitioner requested the respondent Management to take necessary steps to obtain approval for his appointment as the workload of the petitioner was 17.20 hours in subject Biology and he continued to receive salary grant to the extent of 20% by the State Government. He continued to exercise the normal functions and even extra curricular functions like being appointed as external examiner by the Maharashtra State Board of Higher Education. Despite his active participation in the School activities and his sincere efforts in discharging the duties assigned to him, the approval to his appointment did not come.

3) The grievance of the petitioner is that three of the teachers, namely, Ku.Bharti Sayaji Jawade, Ku. Vina Shivprasad

Gupta and Ku.Varsha Gondane received their approvals. As far as the petitioner is concerned, the proposal that was sent on 18/04/2024 was returned by the communication dated 30/05/2024 alleging that the respondent Management had submitted a bogus proposal. However, on 30/05/2024, the Management submitted a fresh proposal, which is pending before the Deputy Director of Education. In addition, on 21/06/2024 one more communication was addressed to the Deputy Director of Education by the respondent Management seeking approval to the appointment of the petitioner.

4) The ball now lies in the Court of Deputy Director of Education and while directing him to take decision on the proposal for approval of the petitioner forwarded by the respondent No.3 Management, we direct the decision to be taken within a period of eight weeks from today.

5) If it is necessary to hear either the petitioner or the Management, the Deputy Director of Education shall ensure an opportunity of hearing.

6) The petition stands disposed of.

(ABHAY J. MANTRI, J.)

(BHARATI DANGRE, J.)