

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

WRIT PETITION NO. 10169 OF 2024

Laxman Babu Gawade

..

Petitioner

Versus

The State of Maharashtra

Through the Secretary and Ors.

..

Respondents

Mr. Prashant Bhavake, Advocate for the Petitioner.

Ms P. N. Diwan, AGP, for Respondent Nos. 1 to 5.

**CORAM: SHREE CHANDRASHEKHAR &
MANJUSHA DESHPANDE, JJ.**

DATED : 4^h AUGUST 2025

P.C.:

The petitioner claims that he was appointed on 1st January 2007 as Peon in the New English School and Narsingrao Bhujangrao Patil Junior College, Chandgad, Kolhapur for a period of three years on probation. He is seeking a direction to the Education Officer (Secondary), Zilla Parishad, Kolhapur to take a decision on a proposal forwarded by the Headmaster of the New English School and Narsingrao Bhujangrao Patil Junior College on 20th January 2007. The petitioner is also seeking a direction to the Deputy Director of Education, Kolhapur Region to allot Shalarth ID to him and permit the Education Officer (Secondary) to include his name in Shalarth Pranali.

2. The petitioner has pleaded that he acquired qualifications of Secondary School Certificate (SSC) and he was eligible for appointment to the post of Peon. He has further stated that his

appointment was on the post which became vacant on retirement of Mr. R. N. Malusare on 31st December 2000. He further states that the said vacancy was required to be filled up under NT-C/OBC/OPEN category. However, no suitable candidate for appointment to the post of Peon was available nor any response was received as regards permission to issue advertisement for recruitment of the said post and, therefore, an advertisement was published in the daily newspaper *Samaj* on 17th December 2006.

3. Ms P. N. Diwan, the learned AGP for the State-respondent has raised an objection to the prayers made in this writ petition stating that no explanation has been offered by the petitioner for approaching this Court about 20 years after he was appointed under the respondent no. 7.

4. However, taking note of the facts pleaded in this writ petition, particularly, the fact that the proposal dated 20th January 2007 is pending consideration before the Education Officer (Secondary), we are not inclined to call upon any affidavit in opposition and would simply dispose of this writ petition with a direction to the Education Officer (Secondary)-the respondent no. 5 to communicate a decision on the proposal dated 20th January 2007, if pending before him. The aspect of delay shall also be considered by the respondent no. 5 but that shall not be a ground to decline approval if the petitioner had relevant qualifications at the relevant time and all due processes were followed.

5. Writ Petition No. 10169 of 2024 is disposed of.

[MANJUSHA DESHPANDE, J.]

[SHREE CHANDRASHEKHAR, J.]