

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

WRIT PETITION NO. 16914 OF 2024

Prashant Peter Malya ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. Prashant Bhavake, Advocate for the Petitioner.

Mr. V.M. Mali, AGP for Respondent Nos.1 to 5/State.

Mr. Utkarsh Desai, Advocate for Respondent Nos.6 and 7.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 10th FEBRUARY, 2025

P.C. :

1. We have heard the learned Advocate for the Petitioner and the learned AGP on behalf of Respondent Nos.1 to 5. With their assistance, we have gone through the record available and the GR dated 27th March, 2024 cited before us.

2. Keeping in view the impugned order dated 15th April, 2024, we do not find that Respondent No.5 has raised any issue of deficiencies. He has come to a conclusion straight away, without assigning reasons as

to why, the proposal cannot be granted. We are conscious of the judgment delivered by this Court [Coram: Nitin Jamdar (as his Lordship then was) and M.M. Sathaye, JJ.], in *Nitin Bhika Tadge and Another versus State of Maharashtra and Others*¹

3. The G.R. dated 27th March, 2024 has been issued pursuant to the above judgment delivered in *Nitin Bhika Tadge and Another versus State of Maharashtra and Others* (supra). A three members Committee is now chaired by Respondent No.4 which has to decide appeals seeking to challenge orders passed by Respondent No.5, as like the impugned order.

4. The learned Advocate for the Petitioner submits that if the Petitioner tenders an appeal, the Concerned Authority be directed to decide the appeal expeditiously.

5. In view of the above, **this Writ Petition is disposed off.** If the Petitioner or the management prefers an appeal before Respondent No.4, in the light of the G.R. dated 27th March, 2024, we would expect the Committee headed by Respondent No.4 to consider the said appeal

1 2024 SCC Online Bom 1116

by following the due procedure laid down in law. By granting adequate opportunity of hearing to all the stakeholders, a reasoned order would be passed dealing with all contentions of the litigating parties and judgments cited. This exercise be completed as expeditiously as possible though the G.R. prescribes a period of six months. We would appreciate if this exercise is completed prior to the said timeline.

6. Since the Petitioner is before this Court on account of the filing of this Petition, the time spent by the Petitioner in this Court shall be excused, provided the Petitioner tenders the appeal within 21days.

7. We make it clear that we have not expressed any opinion on the merits of the matter. Only to avoid further litigation, we observe that if the Committee grants approval to the Petitioner, the procedure required to be followed for grant of Shalarth ID, shall be undertaken by the concerned and we expect that the Shalarth ID to be granted within a stipulated period.

8. Since the Petitioner apprehends termination and considering the law laid down by the Full Bench of this Court in ***St Ulai High School vs. Devendraprasad Jagannath Singh***, 2007 (1) Mh.L.J. 597,

we direct the employer not to terminate the Petitioner only for the reason that he does not have an approval.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)