

2. Pending the Petition, a settlement is entered between the Petitioner and Respondent Nos.4 and 5 Management.

The Secretary of Respondent No.5 has filed an Affidavit before us, pursuant to the Interim Application No.298/2025, where the Petitioner (Applicant) requested the Court to direct Respondent No.3 i.e. the Education Officer, Higher Secondary Section, Zilla Parishad, Pune, to decide the proposal forwarded by the Management on 08.07.2024.

The background of the said relief sought is to be found in the Affidavit which is placed before us under the signature of Shri Devram Sopana Sonawane, Secretary of the Trust, affirmed on 09/01/2025.

The Affidavit make a categorical statement that without going into the merits of the matter since two persons working on 100% grant in aid section, have retired and the posts being approved and permanent, having fallen vacant, Education Officer has forwarded the name of one Poonam Shinde, from surplus list and she is absorbed against one of the vacant post.

The other post which remains vacant, can go to the Petitioner as according to the Management, he was in service since 10/06/2003 on clock hour basis and, therefore, as Assistant Teacher in 80% grant in aid section from 14/06/2004 and upon being approved, the Government had disbursed his salary till 2005.

Subject to the Undertaking from the Petitioner/Applicant that he is ready to forgo the backwages for the period commencing from 2006 till the date of his absorption, from the date when the Education Officer granted approval to the absorption of the Petitioner on the approved and permanent vacant post.

The learned counsel for the Petitioner categorically stated before us that he is ready to forgo the backwages from the year 2006 till the

date, when the decision is taken on his proposal by the Education Officer.

3. We have also heard the learned AGP representing the Education Officer and though she would object to the grant of relief by submitting that this all is brought by way of an Interim Application, we do not find any merit in her contention, since if the Management and the Petitioner has arrived at a settlement and the Petitioner in fact has claimed the relief of his absorption in the Respondent School as his primary relief in the Petition, and the fact remains that he was working in the school since 2003 on clock hour basis and thereafter in the Section which had received 80% grant, and when the Management is ready to absorb him, we see no difficulty in his absorption and the Education Officer refusing approval to such absorption.

4. In any case, the State Government is not to bear the financial burden as the Petitioner has undertaken that he shall not claim his salary from the year 2006 till the date on which the Education Officer granted his approval.

However, in the aforesaid circumstances, we deem it appropriate to direct the Education Officer i.e. Respondent No.3 to take decision on the proposal forwarded on 08/07/2024 within a period of 8 weeks from today.

While considering the proposal, the Education Officer shall take into consideration the length of service of the Petitioner, and if it is found that he was in continuous service, then his service shall be counted for purpose of seniority, as well as other benefits flowing from continuity in service.

It is made clear that the Education Officer shall not make grievance that the proposal is not received, as we expect the Management to hand over a copy of the same to the AGP, who shall forward it to the Education Officer.

With this direction, the Petition as well as Interim Application stand disposed off.

(ASHWIN D. BHOBE, J.)

(BHARATI DANGRE, J.)