

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

WRIT PETITION NO. 7234 OF 2025

Mrs.Sunita Shivaji Aher

... Petitioner

versus

The State of Maharashtra & Ors.

... Respondents

...

Mr.Vinayak R. Kumbhar with Mr.Rajendra B. Khaire and Mr.Aniket S.Phapale i/b. Ms.Ashwini N. Bandiwadekar for the Petitioner.

Mr.Aditya R. Deolekar, AGP for the Respondent -State.

...

**CORAM : RAVINDRA V. GHUGE &
ABHAY MANTRI, JJ.**

DATE : APRIL 06, 2026

P.C:

1. A copy of the advertisement is not placed on record. A copy of the appointment order is also not placed on record.

2. The Petitioner is present in the Court Hall. She does not remember in which newspaper the advertisement was published. She instructs the learned Advocate to state that the Management has not issued any appointment order.

3. The learned Advocate for the Petitioner submits that the Petitioner was appointed as an Assistant Teacher on 15/06/2011. Her

service was approved by Respondent No.4 on 12/08/2016. She was transferred on 01/07/2017 from an un-aided post to an aided post in Respondent No.6 Junior College, as a Shikshan Sevak for three years. She was allotted Shalarth ID on 06/11/2020 as a Shikshan Sevak.

4. The Petitioner was orally terminated on 09/11/2022. She filed Appeal No. 27 of 2022 before the School Tribunal, Nashik on 06/12/2022. The management filed a written statement on 21/09/2023 denying that the services of the Petitioner were orally terminated. The Appeal was disposed off on the ground that the cause of action in the Appeal did not survive, and on 05/04/2023, the Petitioner was reinstated.

5. The Petitioner approached the Grievance Committee headed by the Deputy Director of Education, Nashik Division, seeking approval for her transfer to the aided establishment and payment of regular pay scale. Vide order dated 30/01/2024, Dr. B.B. Chavhan, Deputy Director of Education, opined that no order can be passed because the Petitioner's Appeal was pending before the School Tribunal. Factually, the Appeal before the School Tribunal had already been disposed off on 05/04/2023. Hence, the Petitioner filed an Appeal against the order dated 30/01/2024 before Respondent No.2, Director of Education, on 09/09/2024. The

proceeding is still pending. Notice of hearing was also not issued even on the Delay Condonation Application.

6. In view of the above, we direct Respondent No.2 to take up the Application for Condonation of Delay and issue notice to all stakeholders within 21 days from today, with a returnable date for hearing prior to 05/05/2026, and to decide the matter within 60 days of the returnable date. If the delay is condoned, Respondent No.2 shall proceed to decide the Appeal on its merits as expeditiously as possible and preferably within 90 days thereafter.

7. With the above directions, this **Writ Petition is disposed off.**

8. Insofar as the merits of the issues like the publication of the advertisement, recruitment procedure, issuance of appointment order, and grant of approval are concerned, we have not expressed any opinion. Respondent No.2 would be at liberty to deal with all these issues.

(ABHAY MANTRI, J.)

(RAVINDRA V. GHUGE, J.)