

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2102 OF 2021

Bhavya Swaroop Ponnakkada ... Petitioner.

Versus

Deputy Director School and Sport
Department Mumbai Division and Others. ... Respondents.

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Mr. Deepak Pandey, Advocate for the Petitioner.
Mr. Kedar Dighe, AGP for Respondent Nos.1 and 2-State.

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CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ.

DATE : December 14, 2022.

P. C. :

1. The Petitioner was appointed in subject of economics as Shikshan Sevak. *Vide* the impugned order, the Respondent-Deputy Director of Education has refused to grant approval for want of availability of sanction workload.

2. The contentions of the Petitioner are even if there was no sanctioned post of economics subject (full time), Mr. M.H. Shaikh was promoted to Vice Principal, as such, his work load had come to the Petitioner. It is further claimed that after the retirement of Vice Principal, the workload of Economics Subject will be given to the Petitioner.

3. The aforesaid proposition is disputed by the counsel for

the Respondent-Deputy Education Officer on the ground that the Petitioner was never sanctioned after taking approval of the Education Officer against the clear vacancy and the sanctioned workload is not available so as to grant approval of the post for Petitioner as lecturer in the subject of economics. It is also claimed that the workload of other environment subject cannot be clubbed with the workload of subject of economics, that there was enough workload available for the independent post which was already sanctioned, considering the workload in environment subject.

4. The Respondent-Management has placed on record affidavit-in-reply. However, the same is cryptic and vague to answer the specific arguments of the Petitioner so also the Deputy Director of Education.

5. Stand over to **24th January, 2023**.

6. In the aforesaid background, it will be appropriate to grant one more chance to the Respondent-Management to place on record an additional affidavit within four weeks from today.

7. In case the affidavit is not so tendered, this Court will be constrained to pass an order thereby saddling the entire responsibility of the Petitioner on the Respondent-Management.

[Sharmila U. Deshmukh, J.]

[Nitin W. Sambre, J.]