

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7576 of 2005

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

- =====
1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals?

OLAGANA NATWARBHAI KANABHAI

Versus

DIRECTOR OF PRIMARY EDUCATION

Appearance:

1. Special Civil Application No. 7576 of 2005
MR NIRAL R MEHTA for Petitioner No. 1
MS REETA CHANDARANA, AGP for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 29/04/2005

ORAL JUDGEMENT

RULE. Ms.Chandarana, learned AGP, waives service of notice of rule on behalf of the respondents. At the joint request of the learned advocates appearing for the parties, the petition is taken up for final disposal today.

The case of the petitioner is that he was working

in the Ashram Shala run by a private organization. The case of the petitioner further is that as per the Government policy and circulars, lien is required to be maintained. The case of the petitioner is also recommended by the District Primary Education Officer vide his letter dated 10-2-2000. The petitioner contends that despite such recommendation, the authorities have yet to take a final decision in this regard. Learned counsel for the petitioner places on record an order dated 1-3-2005 passed by this Court in Special Civil Application No.452/2005. He submits that under somewhat similar situation, this Court had directed the respondents to consider the case of the petitioner therein for being granted lien as per the Government policy.

Considering the above situation, the respondents are directed to consider the present petition as a representation of the petitioner and take a final decision with respect to the question of maintenance of lien of the petitioner in terms of recommendation dated 10-2-2000 made by the District Primary Education Officer, while keeping in mind the observations made by this Court in order dated 1-3-2005 passed in Special Civil Application No.452/2005. A decision in this regard shall be taken within a period of two months from the date of receipt of copy of this order.

With these directions, the petition is disposed of. Rule is made absolute to the above extent. No order as to costs. Direct service is permitted.

(AKIL KURESHI, J.)

/malek