

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1377 OF 2015
WITH
CIVIL APPLICATION NO. 7077 OF 2015

ANJUMAN-E-TARAKKI-E-TALIM JAMNER, JALGAON AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Advocate for petitioners : Mr. S. B. Yawalkar
AGP for respondent Nos. 1, 2 and 2A : Mr. K. M. Suryawanshi
Advocate for respondent Nos. 3 to 8 : Mr. S. G. Bhalerao
Advocate for intervenor : Mr. B. A. Shinde h/f Mr. V. P. Latange
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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 10th AUGUST, 2015

P.C. :-

1. The approvals granted in favour of the respondent Nos. 4 to 8 by the Education Officer to their appointment as Assistant Teacher is assailed, so also, directions are sought to take appropriate action as per the report dated 31.10.2013.

2. We have heard Mr. Yawalkar, the learned counsel for the petitioner, Mr. Shinde, the learned counsel for the intervenor in Civil Application and Mr. Bhalerao, the learned counsel for respondent Nos. 3 to 8.

3. The bone of contention is that though the advertisement was cancelled by the Education Officer, the Head Master proceeded further and appointed respondent Nos. 4 to 8. The said aspect is not considered by the Education Officer while granting approvals. As per respondent Nos. 3 to 8, the said advertisement was cancelled a day prior to the interviews. The said fact was not brought to the notice of the Head Master. An explanation was given to the Education Officer and after considering the explanation, approval has been granted.

4. We have considered the submissions canvassed by the learned counsel for the respective parties. Affidavit-in-Reply is filed on behalf of the Education Officer wherein it is stated that the Head Master is the Ex-officio Secretary and in such circumstances when there is dispute in the management, he is empowered to issue appointments and approval in such cases can be granted for one year. However, by mistake, continuous approval has been granted.

5. Considering the affidavit-in-reply filed by the respondent Education Officer, the petitioners or any such interested person may approach the Education Officer with regard to the approvals granted and represent themselves before the Education Officer. The Education Officer, on receipt of representations/objections by any of the persons, shall consider the aspect of grant of approval to

respondent Nos. 4 to 8 afresh, after giving notice and after hearing all the interested parties.

6. With regard to the report dated 31.10.2013, the petitioner may make a representation with the Deputy Direction of Education. The Deputy Director of Education, on receipt of representation and after considering all the relevant aspects of the matter, shall take decision with regard to the further course of action to be taken pursuant to the report dated 31.10.2013.

7. The writ petition is accordingly disposed of. No costs. In view of disposal of writ petition, the civil application No. 7077 of 2015 also stands disposed of.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

aaa/