

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) WP NO.2030/2015

115 WRIT PETITION NO. 2030 OF 2015

The Gram Vikas Mandal, Navalnagar,
Tq. and Dist. Dhule.
Through its Secretary,
Shri Narayan s/o Jagannath Patil,
Age 57 years, Occu: Service,
r/o Navalnagar, Tq. and District Dhule.

...PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
School Education and Sports Department,
Mantralaya, Mumbai 32.

AND TWO OTHERS.

...RESPONDENTS

...
Advocate for Petitioners :Mr. Patil Pravin S.
AGP for Respondent State:Mr. V.H.Dighe

...
CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: March 23, 2015

PER COURT :-

1. Heard.
2. This petition is filed with following prayer:

"A. For the writ of certiorari, order or direction in the nature of Certiorari, the record and proceedings of the order dated 20.12.2014 (Exhibit-C) issued by respondent No.3 Education Officer (Secondary), Zilla Parishad, Dhule, may kindly be called for and after examining its legality, validity,

AGP/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2)

WP NO.2030/2015

propriety and correctness the order dated 20.12.2014 (Exhibit C) issued by respondent No.3 Education Officer (Secondary), Zilla Parishad, Dhule, may kindly be quashed and set aside.

B. For the writ of Mandamus, order or direction in nature of Mandamus, the respondents may kindly be directed to correct the sanctioned staffing pattern of the Pandit Nehru Sahakari Sheti Vidyalaya at Navalnagar as prayed by the Headmaster of the School by the representation dated 15.09.2014; "

3. By way of impugned order / communication, the Education Officer directed the petitioner institution to absorb one Shri Patil Sudhakar Gulabrao. It is the contention of the Counsel appearing for the petitioner that the said Shri Patil Sudhakar Gulabrao is A.T.D.Teacher, however, a vacant post is available for teaching English and Science for which B.Ed. qualification is necessary.

4. Learned A.G.P. tried to justify the order passed by the Education Officer. He submits that parties were heard by Education Officer, Zilla Parishad, Dhule, however, it was not brought to the notice of the Education Officer that there is no vacant post of A.T.D. Teacher in the petitioner institution. Therefore, learned A.G.P. submits that the petition may be dismissed.

5. We have heard learned Counsel for the petitioner,

AGP/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(3)

WP NO.2030/2015

learned A.G.P. and with their able assistance, perused the grounds raised in the petition, and annexures thereto. The fact that Shri Patil Sudhakar Gulabrao was directed to be absorbed in the petitioner institution, and that he does not possess the B.Ed. qualification, is not in dispute. He is possessing qualification of A.T.D. The post of Art Teacher is not available in the petitioner institution.

In that view of the matter, direction to the petitioner institution to absorb Shri Patil Sudhakar Gulabrao, who does not possess requisite qualification, cannot sustain. In that view of the matter, the impugned communication / order dated 20.12.2014 (Exh.C) is quashed and set aside.

The petition is disposed of.

However, it would be open for the Education Officer to hear the parties and pass further appropriate order.

6. The other issues raised in the petition are left open to be agitated before the Education Officer. We make it clear that in case there is any other candidate who fulfills requisite qualification, to be appointed as English or Science subject, the Education Officer is free to pass order to that effect.

7. The issue raised about creation of staffing pattern is left open to be agitated before the Education Officer.

(P.R. BORA, J.)

(S.S. SHINDE, J.)

AGP/-