

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 7973 of 2013

Prabhakar s/o. Bhikaji Limkar,
Age : 46 years,
Occupation : Service,
R/o. At Dudhi, Post : Khasgaon,
Taluka : Paranda,
District : Osmanabad.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Secretary,
School Education Department,
Mantralaya, Mumbai.
2. The Deputy Director of Education,
Latur Division, Latur.
3. The Education Officer (Secondary),
Zilla Parishad, Osmanabad.
4. Bhartiya Shikshan Prasarak Mandal,
Bhoom, Taluka : Bhoom,
District : Osmanabad,
Through its Secretary.
5. The Headmaster,
Mahatma Gandhi Vidyalaya,
Paranda, Taluka : Paranda,
District : Osmanabad.
6. Dilip s/o. Deorao Shere,
Age : 54 years,
Occupation : Service,
working as Headmaster in
Mahatma Gandhi Vidyalaya,
Paranda, Taluka : Paranda,
District : Osmanabad.

7. Vaijinath s/o. Kondiba Khandke,
Age : 50 years,
Occupation : Service,
working as Education Officer (Secondary),
Zilla Parishad, Osmanabad. .. Respondents.

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Mr. S.R. Barlinge, Advocate, for the petitioner.

*Mr. V.H. Dighe, Assistant Government Pleader, for
respondent nos.1 to 3.*

Mr. Vivek J. Dhage, Advocate, for respondent nos.4 to 6.

Respondent no.7 served (Absent).

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 6TH OCTOBER 2015

ORAL ORDER (Per S.S. Shinde, J.) :

1. Heard learned Counsel for respective parties. None for respondent no.7 though served.
2. Perused the material placed on record.
3. The learned Counsel appearing for the petitioner submits, that in some of the documents which were in possession of the petitioner and as a matter of fact, were produced before the Deputy Director of Education, are not adverted into the impugned order or no any comments are made about the said documents.

4. Upon hearing learned Counsel appearing for the petitioner, learned Counsel appearing for respective respondents, and upon perusal of the order passed by the Deputy Director of Education, we do not approve the allegations of the petitioner and, in particular, that there is any collusion between the management and the respondents - authorities of the State. However, in order to give one more opportunity to the petitioner to show the documents in his possession, in support of his contention that approval was granted to the services of the petitioner from the office of Education Officer and, as a matter of fact, he has served in the respondent no.4 - Institution, we propose to relegate the matter to the Deputy Director of Education for deciding it afresh.

5. Hence, we pass the following order :-

Respondent no.2 i.e. Deputy Director of Education, Latur Division, Latur, is directed to re-consider the grievance of the petitioner after going through the record maintained by the Institution and also the documents which are in possession of the petitioner, in support of his contentions raised in the petition. The Deputy Director of Education shall take the decision afresh, in accordance with law and on its own merits, as expeditiously as possible, however, within four months from today.

6. With the above directions, the petition is disposed of.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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