

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5410 OF 2013

Shri Swami Samarth Apang Seva Mandal
and others.

... Petitioners.

V/s.

The State of Maharashtra and others.

... Respondents.

Tejas D. Deshmukh for the petitioners.

PPKakade, AGP for respondent Nos.1 to 4.

**CORAM : NARESH H. PATIL AND
A.S. GADKARI, JJ.**

DATED : 5th January 2015.

PC.

Heard.

2. The petitioner No.1 contends that it is a registered society, conducting various special types of schools for teaching and imparting training to persons who are physically handicapped, hearing or visually impaired or suffering from any such kind of disability. On certain posts of special teachers falling vacant, petitioner No.1 addressed a communication dated 31st March 2012 to respondent No.2- the Commissioner for Welfare of Handicapped seeking permission to recruit the teachers. The department failed to provide/allot special teachers to the school. As no communication was received from respondent No.2, the management of the petitioner issued an advertisement and appointed three teachers. Shri Shriniwas Itkar is appointed as Special Teacher in petitioner No.3 School conducted at Solapur whereas Shri Ganesh Salunkhe and Shri

Sameer Mulani were appointed as Special Teachers in petitioner No.2 School at Osmanabad. It is contended that these teachers are still discharging their duties and they are paid salaries from the funds of the management of petitioner No.1. The petitioners have submitted proposal seeking sanction to the appointment of these three teachers and for disbursement of salary grants. It is, however, submitted that so far no communication has been received from respondent No.1 in that behalf. Hence the petitioners have approached this Court.

3. We have considered the submissions advanced by learned counsel for the petitioners and learned A.G.P. We have perused the affidavit-in-reply filed on behalf of respondent Nos.1 to 5 and 7 and affidavit-in-rejoinder filed by the petitioners.

4. We direct the respondents to pass an appropriate order on the proposal submitted by the petitioners seeking sanction to the appointment orders issued in favour three Special Teachers whose names are stated above and for disbursement of salary grants. The Commissionerate shall call for record and hear representative from the management. The decision shall be taken within two months from the date of receipt of copy of this order. We do not express any opinion on the merits of the proposal submitted by the petitioners.

5. With the aforesaid observation and direction, petition is disposed of.

(A.S. GADKARI, J.)

(NARESH H. PATIL, J.)