

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1146/2015

Ku. Ratnaprabha Bharatrao Deshmukh and another
...Versus...
The Education Officer, (Sec.), Zilla Parishad, Nagpur and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.N. Shende, Advocate for petitioners
Shri A.M. Balpande, AGP for respondent no.1
Shri S. Zia Qazi, Advocate for petitioner nos.2 and 3

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : 07.12.2015

Shri Shende, the learned Counsel for the petitioners states that this Court may consider the only prayer made by the petitioners for a direction to the Management to send the proposal of the petitioners to the Education Officer for grant of approval to their appointment.

According to the petitioners, though the petitioners are appointed as early as in the year 1999-2000, the respondent – Management has sent the proposals of some subsequently appointed teachers to the Education Officer for grant of approval after the school was brought on grant-in-aid in the year 2012.

Shri Qazi, the learned Counsel for the Management states that the school is not brought on grant-in-aid and the

petitioners have stopped attending the school since February and April, 2015. It is stated that since the petitioners' appointments were not made after following the due procedure prescribed by law i.e. after issuance of advertisement etc., the Management is not inclined to send the proposal of the petitioners to the Education Officer for grant of approval, as the same would be rejected.

Shri Balpande, the learned Assistant Government Pleader states that the respondent no.1 has also stated on affidavit that the respondent no.3 – Society is running the school on no grant-in-aid basis. It is, however, stated that the petitioners were eligible for appointment as Assistant Teachers.

On hearing the learned Counsel for the parties, it appears that the prayer made by the petitioners cannot be granted. A direction cannot be issued to the Management to send the proposal of the teachers when the petitioners are allegedly not working in the school since February and April, 2015 and it is the case of the Management that the appointment of the petitioners was not made by following the due procedure prescribed by law. The question whether the petitioners are reporting for the duties or not cannot be decided in a writ petition.

In the circumstances of the case, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE