

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1718/2015

(SHIKSHAN PRASARAK MANDAL, CHANDRAPUR **VERSUS** STATE OF MAHARASHTRA &
OTHERS)

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

Court's or Judge's orders

Shri Anand Parchure, counsel for the petitioner.
Shri N.S. Khubalkar, A.G.P. for the respondents.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : OCTOBER 21, 2015.

By this petition, the petitioner-Society seeks a direction to the respondent no.3-Education Officer to grant permission to the petitioner-Society to fill up the posts of Assistant Teachers in the subjects of Mathematics, Science and English.

It is stated on behalf of the petitioner-Society that the posts of Assistant Teachers in the subjects of Mathematics, Science and English are vacant in the schools run by the petitioner-Society and great inconvenience is caused to the students due to the said vacancies. It is stated that the petitioner-Society is ready to absorb the surplus teachers for the aforesaid three subjects also but, the respondents do not have qualified teachers who could be sent to the schools run by the petitioner-Society for absorption as Assistant Teachers in the subjects of Mathematics, Science and English. It is stated that in the aforesaid background, it would be necessary to direct the respondent no.3-Education Officer to permit the petitioner-Society to fill the vacant posts.

Shri Khubalkar, the learned Assistant Government Pleader appearing on behalf of the respondents, states that two qualified teachers for teaching the subjects of mathematics and science are available and the respondents would pass an appropriate order for directing the petitioner-Society to absorb the said teachers in the school run by the petitioner-Society. It is stated that the staff approval for 2015-16 has not been carried out and, therefore, the permission for filling up the posts cannot be granted. It is further stated that since the orders from the higher officers are not yet received, the respondent no.3-Education Officer cannot permit the petitioner-Society to fill the vacant posts.

Since it appears that nearly forty posts of teaching and non-teaching staff are vacant in the schools run by the petitioner-Society, it would be necessary to direct the respondent no.3-Education Officer to decide the application filed by the petitioner-Society for permission to fill the vacancies within a reasonable time. It would be virtually impossible for the petitioner-Society to administer the schools satisfactorily with forty vacancies. If two qualified teachers for teaching the subjects of mathematics and science are available, the respondent no.3-Education Officer is free to direct the petitioner-Society to absorb the two teachers. The petitioner-Society has absorbed eight qualified teachers and is ready to absorb the two teachers that are qualified to teach the subjects of mathematics and science.

In the aforesaid set of facts, we dispose of the writ petition with a direction to the respondent no.3 to decide the proposal of the petitioner-Society for permission to fill up the vacancies of teaching and non-teaching staff within a period of four weeks.

Order accordingly. No costs.

JUDGE

JUDGE

APTE