

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

WRIT PETITION NO. 1002/2001

(GURU SPURTI NATH EDUCATION SOCIETY & ANOTHER **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

None for the petitioners.
 Shri N.R. Patil, A.G.P. for the R-1 & 2.
 Shri A.D. Mohgaonkar, counsel for the R-3.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATE : AUGUST 7, 2015.

By this petition, the petitioners impugn the order of the Education Officer, Zilla Parishad, Nagpur dated 27.11.2000 granting permission to fill four posts in Baba Raghunath Swami High School, Nagpur run by the petitioner no.1-Society. The petitioners have sought a direction to the Education Officer to grant permission to fill two posts by the then School Committee headed by the President of the School Committee. Certain other ancillary prayers are also made.

The petitioner no.1 is the society and the petitioner no.2 claimed to be the Secretary of the petitioner no.1-Society, however, the said fact is seriously disputed by the respondents. By the impugned communication dated 27.11.2000, the respondent no.2-Education Officer granted permission to fill four posts of teachers in the said school. It is not in dispute that in pursuance of the permission, four teachers were temporarily appointed before the writ petition was filed.

Shri Mohgaonkar, the learned counsel for the respondent no.3, states that during the pendency of the writ petition, the persons that were appointed in the four posts

temporarily, were discontinued and again after seeking due permission from the respondent no.2-Education officer in the year 2001, fresh appointments were made after following the due procedure prescribed by law. It is stated that in view of the subsequent development, the cause for filing the writ petition has been rendered infructuous.

On hearing the learned Assistant Government Pleader for the respondent nos.1 and 2 and the learned counsel for the respondent no.3, it appears that the cause for filing the writ petition has been rendered infructuous. The petitioners have challenged the permission granted by the respondent no.2-Education Officer on 27.11.2000. The respondent no.3 had acted on the said permission and had temporarily appointed some teachers. Subsequently, during the pendency of the writ petition, sanction was sought to fill four vacancies and after the necessary sanction was granted by the respondent no.2-Education Officer, four posts are filled and approval has been granted to the appointment of the teachers in the said posts. It is stated that the petitioners have not challenged the subsequent permission granted by the respondent no.2-Education Officer during the pendency of the writ petition. Also, we would not like to consider granting the relief at the behest of the petitioner no.2, who claims to be the secretary as the said claim of the petitioner no.2 is specifically denied by the respondents. Since there are disputes between the parties and the petitioner no.2 belongs to one of the factions in the management, the relief sought in the petition cannot be granted, more so, after a lapse of more than fifteen years from the date of the impugned permission.

In view of the aforesaid, the writ petition is dismissed with no orders as to costs. Rule stands discharged.

JUDGE

JUDGE