

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

WRIT PETITION No. 4722/2013.

Jayant Shikshan Sanstha, Amgaon and others.

VERSUS

State of Maharashtra and others.

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

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI
& A.P. BHANGALE, JJ.

DATED : FEBRUARY 10, 2015.

Heard Shri P.N. Shende, learned Counsel
for the petitioners and Shri A.S. Fulzele, learned A.G.P.
for respondents.

Prayer is to sanction post of Part-time
~~Lecturer~~ Librarian and Laboratory Assistant and to
grant approval to appointment of petitioner no.3.

Shri Shende, learned Counsel for
petitioners submit that no objection of education

department was sought before effecting recruitment, but, for a period of 6-7 months there was no response and hence, petitioners proceeded further and made recruitment. According to him, Right of Children to Free and Compulsory Education Act necessitates such recruitment and appointment, as otherwise Management would be blamed for not providing necessary facilities and infrastructure.

Shri Fulzele, learned A.G.P. submits that as posts were to be made available, proposal of petitioners to sanction two posts has been forwarded to the State Government and it is pending there. He submits that without getting the posts created, recruitment could not have been undertaken.

We find that appointment order is issued to the petitioner no.3 on 01.07.2008 i.e. before coming into force of Right of Children to Free and Compulsory Education Act, 2009.

Prayer in the petition is to sanction post, thus petitioners are aware that posts are not available, and in spite of this they have effected recruitment. In

this situation, as the respondents have already sent proposal for sanction of posts to the State Government, we direct the respondent no.1 State Government to take suitable decision upon it within a period of 6 months from today.

The entitlement of petitioners to grant of approval to services of petitioner no.3 shall be considered thereafter. All rival contentions in relation thereto are kept open. Writ Petition is, accordingly partly allowed and disposed of. No costs.

JUDGE

JUDGE

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