

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

WRIT PETITION NO.4959 OF 2014

**The Rural Education Society, Nagpur, thr its Secretary
..vs..**

Dy. Director of Education, Morris College, Nagpur and ors

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

Court's or Judge's order

**Shri P.A. Gode, counsel for the Petitioner.
Shri N.R. Rode, AGP for R-1 & 2.**

**CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.
DATE : MARCH 02, 2015.**

Heard.

Heard Shri P.A. Gode, learned counsel for the petitioner and Shri N.R. Rode, learned Assistant Government Pleader for respondent Nos.1 and 2.

The challenge is to appointments made in the year 2012 consequent to permission given by respondent No.2 – Education Officer and approval thereto on 24.8.2013.

The writ petition is filed by the education society through its Secretary. The person, who has styled himself as Secretary, submits that he

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has been elected as such in the year 2011 and some proceedings in relation to that election are still going on.

Learned Assistant Government has pointed out that approval has been obtained by the education society and granted by Education Officer on 3.1.2012 i.e. after the petitioner became the Secretary. Thereafter, following due procedure of issuing advertisement and holding of interviews, appointment has been made. He contends that thus, challenge as presented is misconceived and erroneous.

We find that the petitioner has stated in paragraph No.1 that the society has resolved to file petition. However, no resolution is annexed with the writ petition. The society sought previous approval and accordingly the Education Officer has granted the same. If there was any defect in said order of the Education Officer, the society could have raised objection then and there. However, it proceeded further effected recruitment and, thereafter, about two years later the Education Officer has also given approval to that recruitment.

The objections to recruitment need to be looked into in this background. Had the petitioner raised any objection after the Education Officer granted the permission to advertise, it was incumbent for him to approach this Court at the earliest possible opportunity so as to prohibit third party interests being created. He or his Management permitted third parties to act on that advertisement. Said persons not connected in any way with issuance of advertisement appeared for interviews and have been selected. The petitioner does not show that their selection is not on merit.

In this situation, we are not inclined to intervene in extra ordinary jurisdiction to the prejudice of those persons.

The writ petition is, therefore, dismissed.
No costs.

JUDGE

JUDGE

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