

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.5188 OF 2015**Sahyadri Bahujan Vidya Prasarak Samaj, Tq.Sangamner,
Dist.Ahmednagar Vs. The State of Maharashtra and another.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.P.B.Shirsath, advocate for the petitioner.
 Mr.B.V.Virdhe, A.G.P. for the State.
 Mr.S.T.Shelke, advocate for Respondent No.2.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**
Date : 27.09.2016.

PER COURT :

1. Heard.
2. Mr.Shirsath, learned counsel for the petitioner states that in the year 2010, petitioner was granted permission to open 3rd division of 1st standard. Thereafter every year as per the natural growth, the petitioner had the students for 3rd division of 2nd, 3rd and 4th standard. According to the learned counsel, the Education Officer did not consider the proposal sent by the petitioner for sanction of additional divisions for 2nd, 3rd and 4th standard only on the ground that as per the Government decision dated 13.12.2013 all earlier orders stand superseded and will not be applicable.

According to the learned counsel, as per the existing G.R. Dated 20.8.2015 also the petitioner satisfies all the criterion required for the additional divisions and additional teacher. However, the same is not being considered.

3. Mr.Shelke, learned counsel for the Education Officer (Primary) submits that as per the new policy, the Education Officer is not empowered to sanction any additional posts or divisions and it is for the State to consider the same.

4. We have heard learned A.G.P. also.

5. The proposal of the petitioner is not rejected, however, the Education Officer has said that in view of the Government order dated 13.12.2013, the same can not be considered. The said order of the Education Officer is dated 12.11.2014. It appears that thereafter on 28.8.2015 new policy has been introduced by the Government laying down the ratio of students and teacher.

6. There is no impediment for the authority to consider the proposal of the petitioner for sanction of additional divisions as per the Government Resolution dated 28.8.2015.

7. In light of the above, we pass the following order :

a) The Education Officer may forward the proposal received by it from the petitioner for sanction of additional divisions for 2nd, 3rd and 4th standard to the appropriate authority. The appropriate authority shall after receiving the said proposal (dt.10.10.2013)

from the Education Officer, take decision upon the same expeditiously on its own merits in accordance with law and policy, preferably within six (6) months from the date of receipt of the proposal.

b) The Writ Petition is disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.27.09.2016.
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