

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4012 OF 2013

Kazi Faroza Vahidali.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. A. M. Sethana i/b Bagban Ejazahmed M. D. Yusuf for the
Petitioner.

Mr. Milind Deshmukh for Respondent No. 4.

Ms. A. D. Vhatkar, AGP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **July 11, 2016.**

P. C. :

1. Heard the learned Counsel appearing for the
respective parties and learned AGP for the State. Mr. Ashok
Misal, Education Officer, Secondary, Zilla Parishad, Thane is also
present in the Court.

2. Mr. Sethana, learned Counsel appearing for the
Petitioner, at the outset having taken instructions from his client
who is present in the Court states that the Petitioner is restricting
this writ petition to the relief claimed in prayer clause (e) only.
Statement is accepted.

3. Earlier, the Petitioner had filed a writ petition in this

Court, being Writ Petition No.8557 of 2010 seeking direction for sanction of the grant in her favour in terms of the resolution passed by Modern School, Vashi, Navi Mumbai [Respondent No. 3 in the said petition], run by Respondent No. 4 – Sanstha recommending the name of the Petitioner for the grants. That writ petition came to be disposed of by this Court by the order dated 8th June 2011 with a direction to the the Education Officer, Zilla Parishad, Thane to take appropriate decision within the stipulated time of 8 weeks.

4. On behalf of Respondent No. 4, an affidavit is filed by one Dr. Arvind Burungale. In paragraph 4 thereof, following averments are made :

“I say that if the Petitioner is ready to accept her appointment in any of the branches of Respondent No. 4 as per direction of Respondent No. 2, Respondent No. 4 is ready to appoint on first newly created grantable post in Respondent No. 4 Institution hereinafter.”

5. When last time matter was placed on board, Mr. Deshmukh, the learned Counsel appearing for the Respondent No. 4 made a statement that there is no vacancy in any of the schools in Thane District, especially in Navi Mumbai area run by Respondent No. 4 – Sanstha. We, therefore directed learned AGP

to take instructions from the Education Officer whether there are vacancies in Thane District area especially in Navi Mumbai area. Learned AGP has accordingly taken instructions and submitted that there are seven vacancies Thane District in the schools run by Respondent No.4-Santha and one such vacancy exists in Modern School at Vashi. Learned AGP on the basis of record available with the office of Education Officer, further submitted that the existing vacancy in the Modern School is of the subject of which the Petitioner is teacher.

6. In above circumstances, we allow this writ petition in terms of prayer clause (a) and direct Respondent No. 4 to appoint the Petitioner in Modern School at Vashi within two weeks from the date of receipt of a copy of this order.

7. Writ petition stands disposed of.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]