

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5890 OF 2016

Karachi Maharashtra Shikshan Prasarak Mandal & ors. ...Petitioners
versus
The State of Maharashtra through the
Secretary, School Education Department and ors. ...Respondents

with
WRIT PETITION NO. 5883 OF 2016

Katta Panchkroshi Shikshan Prasarak Mandal & ors. ...Petitioners
versus
The State of Maharashtra through the
Secretary, School Education Department and ors. ...Respondents

with
WRIT PETITION NO. 5884 OF 2016

The School Committee, Mahatma Gandhi
Vidya Mandir High School & ors. ...Petitioners
versus
The State of Maharashtra through the
Secretary, School Education Department and ors. ...Respondents

with
WRIT PETITION NO. 5886 OF 2016

Nemale Panchkroshi Shikshan Sanstha & ors. ...Petitioners
versus
The State of Maharashtra through the
Secretary, School Education Department and ors. ...Respondents

with
WRIT PETITION NO. 5888 OF 2016

Talere Panchkroshi Shikshan Prasarak Mandal & ors. ...Petitioners
versus
The State of Maharashtra through the
Secretary, School Education Department and ors. ...Respondents

with
WRIT PETITION NO. 5889 OF 2016

Karachi Maharashtra Shikshan Prasarak Mandal & ors. ...Petitioners
versus
The State of Maharashtra through the
Secretary, School Education Department and ors. ...Respondents

with
WRIT PETITION NO. 5892 OF 2016

Nerur Karyad Narur Panchkroshi Shikshan
Prasarak Mandal & ors. ...Petitioners

versus

The State of Maharashtra through the
Secretary, School Education Department and ors. ...Respondents

with
WRIT PETITION NO. 5893 OF 2016

Bidwadi Panchkroshi Shikshan Sanstha, Mumbai & ors. ...Petitioners
versus

The State of Maharashtra through the
Secretary, School Education Department and ors. ...Respondents

with
WRIT PETITION NO. 5894 OF 2016

Shri Bhagavatidevi Madhyamik Shikshan Samiti & ors. ...Petitioners
versus

The State of Maharashtra through the
Secretary, School Education Department and ors. ...Respondents

with
WRIT PETITION NO. 5895 OF 2016

Nadhwade Gram Vikas Mandal, Mumbai & ors. ...Petitioners
versus

The State of Maharashtra through the
Secretary, School Education Department and ors. ...Respondents

with
WRIT PETITION NO. 5896 OF 2016

Poip Circle Education Society & ors. ...Petitioners
versus

The State of Maharashtra through the
Secretary, School Education Department and ors. ...Respondents

with
WRIT PETITION NO. 5932 OF 2016

Nerur Gram Seva Mandal, Mumbai & ors. ...Petitioners
versus

The State of Maharashtra through the
Secretary, School Education Department and ors. ...Respondents

with
WRIT PETITION NO. 5934 OF 2016

Kalambist Panchkroshi Shikshan Prasarark Mandal
Kalambist and ors. ...Petitioners
versus
The State of Maharashtra through the
Secretary, School Education Department and ors. ...Respondents

Mr. A. V. Anturkar, senior counsel i/b. Mr.Prashant Bhavake, advocate for
the petitioners.
Mr. P. P. Kakde, AGP for the State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATE : 26th JULY, 2016.

P. C. :

Heard Mr. Anturkar, learned senior counsel for the petitioners
and Mr. Kakde, learned AGP for the State.

2. By an order dated 28th July, 2015, writ petition No.6963 of
2015 along with 12 connected writ petitions came to be disposed of by
the Division Bench of this Court by passing a common order. The
operative part of the said order reads as under:

ORDER

a) Respondent No.3- the Education Officer, is directed
to decide the proposals so forwarded by the
Headmaster in respect of the applications for approval
filed by the respective Petitioner/s in accordance with
law, as early as possible, preferably within ten weeks
from today.

b) By keeping all points open, all the Writ Petitions are disposed of.

c) Rule in all the Petitions disposed of accordingly.

d) There shall be no order as to costs.

e) The parties to act on the basis of an authenticated copy of this order.

It is abundantly clear from the reading of this order that respondent No.3-the Education Officer was directed to decide the proposals forwarded by the Headmaster for approval of respective petitioner/s in accordance with law within ten weeks.

3. In pursuance of this order, the Education Officer decided the said proposals by a common order dated 20th January, 2016. Reading of the said order makes it clear that under the garb of the above referred order, the Education Officer approved the appointment of the said petitioners, despite there being a ban imposed by the Government Resolution dated 2nd May, 2012.

4. As a matter of fact, the High Court never directed the Education Officer to approve the said petitioners' appointment. The

Court only directed the Education Officer to decide the proposals in accordance with law. The order dated 20th January, 2016, makes it very clear that the Education Officer has exceeded his jurisdiction.

5. Faced with this difficulty, Mr. Anturkar, learned senior counsel having taken instructions from his clients, stated that he has no objection if the order dated 20th January, 2016, is quashed and set-aside in its entirety and the Education Officer is directed to decide the said proposals for approval in accordance with law.

6. Mr. Kadke, learned AGP submitted that the Education Officer who passed the order dated 20th January, 2016, is already transferred, and he has no objection, if the course as suggested by Mr. Anturkar is accepted.

7. In view of the concession given by Mr. Anturkar, learned senior counsel and Mr. Kadke, learned AGP, we dispose of the petitions by passing the following order :

1. The common order dated 20th January, 2016, passed by the Education Officer (Secondary) Zilla Parishad Sindhudurg is quashed and set-aside.

2. The Education Officer (Secondary), Zilla Parishad Sindhudurg shall decide the petitioners' proposal for approval of their appointment in accordance with law.
3. The said proposals shall be decided as expeditiously as possible and, in any case, within a period of eight weeks from the date of receipt of this order.
4. All rights and contentions of the respective parties are kept open.

The petitions are, accordingly, disposed of.

(ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]