

*Sequeira*

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION*

***WRIT PETITION NO. 1594 OF 2014***

Maharshi Karve Stree Shikshan

Samstha and anr.

.. Petitioners

Vs.

The State of Maharashtra & ors.

.. Respondents

Mr.Sandeep Waghmare, for Petitioners.

Mr.S.D.Rayrikar – Assistant Government Pleader, for Respondent Nos.1 to 3.

Mr.Mihir Desai – senior Advocate i/b Mr.Sariputta Sarnath, for Respondent No.4.

***CORAM: N.M. JAMDAR, J.  
Friday, 12 February 2016.***

**PC. :**

The Petitioner institution has challenged the communication issued by the Education officer, Secondary Zilla Parishad, Pune dated 22 November 2013 and report dated 23 October 2013.

2. When the petition came up on board on 29 January 2016, following order was passed.

*'Heard learned counsel for the parties.*

*2. It appears that Respondent No.4 made a representation to the Maharashtra State, Schedule Caste Schedule Tribe Commission, Mumbai on 24 May 2013 and the Commission directed the Director of Education Secondary, to submit a report as regards the complaint received. Thereafter the education authority seems to have conducted an inquiry. The learned counsel for the*

*Petitioners states that by order dated 22 November 2013, the Education Officer, Zilla Parishad Secondary, Pune has directed the Petitioners to take Respondent No.4 in service.*

*3. The learned AGP seeks time to take instructions as to whether the communication addressed by the education authority to the Petitioners is in nature of directions in respect of reinstatement of Respondent No.4 or it is only collection of material to submit report to the Commission. The education authority will make its stand clear before the next date on affidavit.'*

3. The learned AGP tenders an Affidavit sworn by the Education Officer on 10 February 2016. The Affidavit states that the Education Officer cannot give any direction regarding reinstatement and can only make an inquiry. The learned AGP states that the communications addressed to the Petitioner institution by the Education Officer are not in the nature of directions but only a report.

4. Mr.Waghmare, the learned counsel for the Petitioners submits that the impugned communications clearly included a direction to the Petitioner to reinstate the Respondent No.4, and this direction was without jurisdiction. Now since the Education Officer has clarified that such direction was incorrect, it is not necessary to consider the grievance of the Petitioners any further. The Education Officer ought not to have addressed such communications to the Petitioner in the first place. The Education Officer has no such power to direct reinstatement. Because of this needless direction the Petitioners had to file a Writ petition, notice had to be issued to the Respondents, and all

parties were unnecessarily embroiled in an litigation. This could have been well avoided, had the Education officer kept himself within the parameters of law.

5. Mr.Desai, the learned senior Advocate appearing for Respondent No.4 states that the Respondent No.4 be given liberty to approach the appropriate authority. Such liberty is not expressly necessary as it is always open to a party to approach the competent Authority, for redressal of its grievances.

6. No further orders are required to be passed in this Writ Petition, which is accordingly disposed of.

*(N.M.Jamdar, J.)*