

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
WRIT PETITION NO. 373/2016

(RASHTRIYA SHIKSHAN SANSTHA, LAKHANI **VERSUS** EDUCATION OFFICER (SECONDARY), Z.P.
 BHANDARA & ANOTHER)

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

Court's or Judge's orders

 Shri S. Borkar, counsel for the petitioner.
 Shri P.V. Bhoyar, A.G.P. for the R-1.

CORAM : SMT.VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : MARCH 28, 2016.

By this petition, the petitioner-Education Society impugns the communications of the respondent no.1-Education Officer, dated 06.07.2015 and 08.07.2015 rejecting the application for permission to fill the posts of teaching and non-teaching staff.

The petitioner-Society had sought permission to fill the vacant posts of teaching and non-teaching staff in the primary and the secondary school run by the petitioner-Society on grant-in-aid and non-grant-in-aid basis. The application of the petitioner-Society was, however, rejected by the impugned communications, dated 06.07.2015 and 08.07.2015 as according to the respondents, the petition raising a challenge to the provisions of the Right To Education Act was pending before the Principal Seat of the Bombay High Court. It is the case of the petitioner that the respondent no.1-Education Officer could not have refused the permission to the petitioner to appoint the teaching and the non-teaching staff by the impugned communications.

Shri Bhoyar, the learned Assistant Government Pleader appearing on behalf of the respondent no.1, states that the challenge to the provisions of the Right To Education Act in

Writ Petition No.9026 of 2014 was rejected by the Division Bench at the Principal Seat by the judgment dated 15.12.2015. It is stated that the constitutional validity of the provisions of the Right To Education Act and specially the Schedule thereof, is upheld. It is stated that the State Government is directed to re-visit and re-evaluate the education policy and the services of the surplus permanent teachers are protected and they are directed to be absorbed or accommodated elsewhere after declaring them surplus. It is stated that appropriate action may be taken in pursuance of the directions issued by the Division Bench at the Principal Seat by the judgment dated 15.12.2015. It is stated that as per the staffing pattern under the Right To Education Act, the staff approval for the subsequent year would be decided and appropriate steps would be taken by the State Government in accordance with the directions in the judgment dated 15.12.2015.

In view of the statement made by the learned Assistant Government Pleader, it would not be necessary to keep the writ petition pending any longer. The respondents should prepare the staff approval report as per the staffing pattern under the Right To Education Act at the earliest and take appropriate decision after following the directives issued to the State Government and the Education Authorities in the judgment dated 15.12.2015 in Writ Petition No.9026 of 2014. We direct the respondent nos.1 and 2 to complete the exercise as early as possible and before the end of July-2016 as far as possible.

Order accordingly. No costs.

JUDGE

JUDGE