

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**Writ Petition No. 3668 of 2016
With
Civil Application No.13896 of 2016**

- 1) Anjuman-e-Tariqqui-e-Talim,
Jamner's,
Through its Secretary,
Mansoor Ahmed Zubairy,
Age 55 years,
Occupation: Business,
R/o. Qaziwada, Jamner,
Taluka Jamner, Dist. Jalgaon.
- 2) Nasir Ahmed Abdul Qadir Patel,
Age 58 years, Occupation: Service
as Head Master,
R/o Old Bodwad Road, Jamner,
Taluka Jamner, Dist. Jalgaon.
- 3) Ibrahim Khan s/o Akbar Khan,
Age 27 years,
Occupation: Service,
R/o. Islampura, Jamner,
Taluka Jamner, Dist. Jalgaon.
- 4) Pinjari Jahangir Yunus,
Age 25 years,
Occupation: Service,
R/o Madni Nagar, Jamner,
Taluka Jamner, Dist. Jalgaon.
- 5) Naved Ahmed Mateenuddin,
Age 25 years,
Occupation: Service,
R/o. Qaziwda, Jamner,
Taluka Jamner, Dist. Jalgaon. **Petitioners.**

Versus

- 1) The State of Maharashtra,
Through Principal Secretary
of School Education Department,
Mantralaya, Mumbai - 32.
- 2) The Education Officer (Secondary)
Zilla Parishad, Jalgaon. .. **Respondents.**

Shri. S.S. Kazi, Advocate, for petitioner.

Smt. R.P. Gour, Assistant Government Pleader,
for respondent Nos.1 and 2.

Shri. Girish S. Rane, Advocate, for applicants in
Civil Application No.13896 of 2016.

With

Writ Petition No. 3669 of 2016
With
Civil Application No.10661 of 2016

- 1) Anjuman-e-Tariqqi-e-Talim,
Jamner's,
Through its Secretary,
Mansoor Ahmed Zubairy,
Age 55 years,
Occupation: Business,
R/o. Kaziwada, Jamner,
Taluka Jamner, Dist. Jalgaon.
- 2) Nasir Ahmed Abdul Qadir Patel,
Age 58 years, Occupation: Service
as Head Master,
R/o Old Bodwad Road, Jamner,
Taluka Jamner, Dist. Jalgaon.

- 3) Nadeem Ahmed s/o Shaikh Ibrahim,
Age 27 years,
Occupation: Service,
R/o. Old Bodwad Road, Islampura,
Jamner, Taluka Jamner,
Dist. Jalgaon.
- 4) Mazhar Farooq s/o Mobin Ahmed,
Age 26 years,
Occupation: Service,
R/o Pahur Galli, Jamner,
Taluka Jamner, Dist. Jalgaon.
- 5) Ejaz Khan s/o Nasrullah Khan,
Age 26 years,
Occupation: Service,
R/o. Madni Nagar, Jamner,
Taluka Jamner, Dist. Jalgaon. **Petitioners.**

Versus

- 1) The State of Maharashtra,
Through Principal Secretary
of School Education Department,
Mantralaya, Mumbai - 32.
- 2) The Education Officer (Secondary)
Zilla Parishad, Jalgaon. .. **Respondents.**

Shri. S.S. Kazi, Advocate, for petitioner.

Smt. R.P. Gour, Assistant Government Pleader,
for respondent Nos.1 and 2.

Shri. Girish S. Rane, Advocate, for applicants in
Civil Application No.10661 of 2016.

**Coram: T.V. NALAWADE &
SANGITRAO S. PATIL, JJ.**

Date: 15 February 2017

ORAL JUDGMENT:

1) Rule, rule made returnable forthwith.
Heard both sides by consent for final disposal.

2) The Education Officer has filed reply affidavit and at paragraph 5 it is submitted that in accordance with Government Resolution dated 13 July 2016 the proposals will be considered on their own merits and decision with regard to the approval will be taken. The petitioner wants only direction to decide the proposals expeditiously. In view of this statement, this Court holds that direction can be given to decide the proposal in accordance with aforesaid Government Resolution in any case within three months from today.

3) Learned counsel Shri. Rane for the intervenor submits that there is dispute over the management of the institution and so the intervenor needs to be heard by the Education

officer. In view of the procedure laid down for recruitment and sending of the proposal there is no need of hearing the intervenor by the respondents. Both the civil applications stand rejected.

4) The Education Officer will confirm as to whether the employees for whom proposal is given are actually appointed or not. The respondents are expected to consider the statement if any given by the Head Master of the school dated 4-10-2013 with regard to the grievance that the said employees were never appointed and no proposal is sent by the Head Master. In those terms the petitions are disposed of. Rule made absolute accordingly.

Sd/-
(SANGITRAO S. PATIL, J.)

Sd/-
(T.V. NALAWADE, J.)

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