

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7230 OF 2016

1. Diler Khan Ismail Khan,
Age : 36 years, Occu. Service,
R/o Anjuman High School and
Junior College, Old Bodwad Road,
Jamner, Tq. Jamner, Dist. Jalgaon
2. Asharaf Asadulla Khan Ashraf Khan,
Age : 26 years, occu. Service,
R/o Anjuman High School and
Junior College, Old Bodwad Road,
Jamner, Tq. Jamner, Dist. Jalgaon
3. Shaikh Mujamil Hisamuddin,
Age : 26 years, Occu. Service,
R/o Anjuman High School and
Junior College, Old Bodwad Road,
Jamner, Tq. Jamner, Dist. Jalgaon
4. Ku. Nilofarbi Rais Ahmed Khan,
Age : 29 years, Occu. Service,
R/o Anjuman High School and
Junior College, Old Bodwad Road,
Jamner, Tq. Jamner, Dist. Jalgaon
5. Sayyed Juber Ahmed Sayyed Gaffar,
Age : 26 years, occu. Service,
R/o Anjuman High School and
Junior College, Old Bodwad Road,
Jamner, Tq. Jamner, Dist. Jalgaon

PETITIONERS

VERSUS

1. The State of Maharashtra,
through its Secretary,
Education Department,
Mantralaya, Mumbai
2. The Deputy Director of Education,
Nasik Division, Nasik
3. The Education Officer (Secondary),

Zilla parishad, Jalgaon

4. The Secretary,
Anjuman-e-Tarakki-e-Talim,
Jamner, District Jamner
5. The Headmaster,
Anjuman High School and
Junior College, Old Bodwad Road,
Jamner, Tq. Jamner,
District Jalgaon

RESPONDENTS

WITH

CIVIL APPLICATION NO. 633 OF 2017

IN

WRIT PETITION NO. 7230 OF 2016

(Anjuman-E-Tarakki-E-Talim through its Vice President
Noor Mohammad Gulam Ahmed Patel and others Vs. The State
of Maharashtra and others)

Mr. Sudhir G. Bhalerao, Advocate for the Petitioners
Mr. S.B. Joshi, A.G.P. for respondent Nos. 1 to 3
Mr. P.P. Dama, Advocate for respondent Nos. 4 and 5
Mr. Girish S. Rane, Advocate for the applicants in
Civil Application No. 633/2017 for intervention

**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**

DATE : 13th FEBRUARY, 2017

ORAL JUDGMENT (PER : T.V. NALAWADE, J.) :

Rule, returnable forthwith. With the consent
of the learned counsel for the parties and the learned
A.G.P., heard finally.

2. For the reasons stated in Civil Application No.

633 of 2017, filed for intervention, the same is allowed and disposed of.

3. The Writ Petition is filed to challenge the order dated 17th February, 2016, passed by respondent No. 3 – Education Officer (Secondary), Zilla Parishad, Jalgaon, thereby rejecting the approval granted to the appointment of the petitioners.

4. The learned A.G.P. produces on record copy of the Government Resolution dated 13th July, 2016, issued by the School Education and Sport Department, Government of Maharashtra. The same is taken on record and marked "X" for the purpose of identification. The said Government Resolution is in respect of similar appointments made in the Minority Institutions. The Government has issued certain guidelines for considering the matters of approval to the appointments and on that basis, the proposals are to be considered.

5. The petitioners have a grievance that they were not heard when the representations were decided by the Education Officer. Such direction was given by this Court in Writ Petition No. 1377/2015 vide order dated

10th August, 2015. The learned counsel for the interveners i.e. the rival group of Management, submits that his client is also entitled to have say in the matter before the Education Officer as there is dispute over the control of the Institution. Both the sides need to be heard by the Education Officer in the matter, which is to be decided on the basis of the aforesaid Government Resolution.

6. In the circumstances stated above, the order dated 17th February, 2016, passed by respondent No. 3 – Education Officer (Secondary), Zilla Parishad, Jalgaon, is hereby quashed and set aside. The matter is remanded to respondent No. 3 – the Education Officer for deciding the same afresh after taking into consideration the Government Resolution dated 13th July, 2016, referred above. With these directions, the Writ Petition stands allowed partly. Rule is made absolute in those terms. The Writ Petition stands disposed of. No costs.

[SANGITRAO S. PATIL]
JUDGE

[T.V. NALAWADE]
JUDGE