

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

WRIT PETITION NO. 11769 OF 2016

Shahikumar Murlidharrao Deshpande ..Petitioner
Vs.
The State of Maharashtra and others ..Respondents

AND

WRIT PETITION NO. 205 OF 2017

Shubhangi w/o. Prakash Bhokare ..Petitioner
Vs.
The State of Maharashtra
and others ..Respondents

AND

WRIT PETITION NO.150 OF 2017

Pravin Arun Gore ..Petitioner
Vs.
The State of Maharashtra
and others ..Respondents

AND

WRIT PETITION NO. 140 OF 2017

Suresh S/o hariba Tigote ..Petitioner
Vs.
The State of Maharashtra
and others ..Respondents

AND

WRIT PETITION NO. 12721 OF 2016

Chitranjan s/o Gopinath Rathod ..Petitioner
Vs.
The State of Maharashtra and ors. ..Respondents

AND
WRIT PETITION NO. 12710 OF 2016

Sayed Nasiroddin Hashmi
Sayed Yusuf Ali ..Petitioner
Vs.
The State of Maharashtra
and others ..Respondents

AND
WRIT PETITION NO. 11451 OF 2016

Shailesh s/o Madhukarrao Kulkarni ..Petitioner
Vs.
The State of Maharashtra
and others ..Respondents

AND
WRIT PETITION NO. 107 OF 2017

Smt. Sarika D/o. Vishwanath Kuber ..Petitioner
Vs.
The State of Maharashtra
and others ..Respondents

AND
WRIT PETITION NO. 128 OF 2017

Nandkumar Sominath More ..Petitioner
Vs.
The State of Maharashtra
and others ..Respondents

AND
WRIT PETITION NO. 120 OF 2017

Yogesh digambar Pawar ..Petitioner
Vs.
The State of Maharashtra and others ..Respondents

AND
WRIT PETITION NO. 10849 OF 2016

Rekha D/o Nandkishor Kalaskar	
and ors.	..Petitioners
Vs.	
The State of Maharashtra	
and others	..Respondents

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Mr.S.G.Rudhrawar, Advocate for the petitioners in Writ Petition Nos. 11451/2016, 107/2017, 128/2017, 120/2017 and 10849/2016

Mr.S.S.Jadhavar, Advocate for petitioners in Writ Petition Nos.11769/2016, 205/2017 and 150/2017

Mr.S.B.Solanke, Advocate for the petitioner in Writ Petition No.140/2017

Mr.A.V.Indrale-Patil, Advocate for the petitioner in Writ Petition No.12721/2016

Mr.S.R.Choukidar, Advocate for the petitioner in Writ Petition No. 12710/2016

Mr.A.B.Girase, G.P. and Mr.S.G.Karlekar, Mr.V.M. Kangne, Mr.P.G.Borade, Mr.A.R.Kale and Mr.S.B.Joshi, AGPs for State in respective petition

Mr.S.V. Natu, Advocate for Respondent Nos.3 and 4 in Writ Petition Nos.107/2017 128/2017 and 120/2017

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CORAM : V.M. KANADE AND
SANGITRAO S. PATIL, JJ.
DATE : JANUARY 25, 2017

PER COURT :

Heard the learned Counsel appearing for the petitioners in respective petition and the learned Government Pleader appearing for the State.

2. The grievance of the petitioners is that the proposals/applications seeking approval to the appointments of the petitioners have not been decided by the Education Officer.

3. Since we came across a large number of petitions wherein, similar grievance was made by the petitioners, we had directed the learned Government Pleader to take instructions and prepare a statistical data showing the number of such matters pending in each district which comes under the jurisdiction of this Bench. We had also directed the concerned Education Officers and the Deputy Directors of Education to remain present in this Court, so that they could be informed about the concern expressed by this Court. Accordingly, the

concerned Education Officers and the Deputy Directors of Education are present in the Court today.

4. It is a matter of common knowledge that almost 50% of the petitions, which are pending in this Court, pertain to educational matters/teachers' matters and almost 90% of them pertain to the proposals/applications, which are pending with the Education Officers since very long time.

5. Mr.Girase, the learned Government Pleader tenders on record a compilation of statistical data of the matters in respect of the primary and secondary schools and the categories of proposals/applications, which are pending in each district under the jurisdiction of this Bench. The learned Government Pleader also brought to our notice a future strategic plan prepared for speedy disposal of such petitions in this Court. As per the said plan, all the Education Officers have been given proformas to be filled-in by them mentioning therein

information about the pending proposals/applications under various subjects. Further, the said plan shows various steps to be taken by the Education Officer/concerned authority i.e. clubbing of matters subject-wise, fixing schedules of the Education Officer, informing schedule to the Education Officer and drafting and filing of replies etc. on the schedule dates.

6. The learned Government Pleader has suggested that forty such petitions will be placed on the board of this Court everyday, which can be heard and disposed of.

7. We express our appreciation for the prompt action taken by the learned Government Pleader in collecting the statistical data, as mentioned above, so also for making a future strategic plan for speedy disposal of such petitions in this Court. We have no manner of doubt that if the said plan is implemented and the Education Officers/Deputy Directors of Education/concerned authority would co-

operate the learned Government Pleader, all these petitions would be disposed of expeditiously.

8. We, accordingly, direct the Registry of this Court to place forty such petitions category-wise on board everyday, which would be heard between 2:30 pm. and 3:30 pm. The learned Government Pleader may supply a list of such petitions to the Registry at least two days in advance, so that everyday forty such petitions can be listed on the board.

9. Mr.Choukidar, learned Counsel for the petitioner in Writ Petition No.12710 of 2016, submits that a Grievance Committee may be constituted so that before approaching this Court, the grievance of such petitioners can be redressed by the Committee. He also submits that the State Government may be requested to suitably amend the the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 ("M.E.P.S. Act", for short) and other relevant Acts, so that, if possible, the scope of appeal under

Section 9 of the M.E.P.S. Act can be expanded. He further submits that a Tribunal under Article 323B of the Constitution of India may be constituted by the State, so that these matters can then be filed before such Tribunal and eventually, burden of the High Court may be reduced considerably. He invites our attention to a decision rendered by the Division Bench of this Court in the case of **Shailaja Ashokrao Walse Vs. State of Maharashtra and ors., 2000(1)Bom.C.R.18** wherein directions were given to the Education Officers/authorities for deciding such matters expeditiously.

10. We will consider the suggestions given by Mr.Choukidar in appropriate petition after hearing both sides, to find out a solution for this recurring issue.

11. In the present group of Writ Petitions, therefore, we direct the concerned Education Officer to decide the proposals/applications in respect of the petitioners, on merits and in accordance with

the provisions of law, as expeditiously as possible and preferably, within a period of three months from today. The petitioners shall also co-operate with the Education Officer.

12. It is further clarified that the petitioners shall not file Contempt Petition immediately, if the proposal is not decided within three months, keeping in view the large number of pending cases before the Education Officers. Contempt Petition may be filed only if there is any deliberate and willful delay in deciding the proposal/application by the Education Officer/authority. If such averments are made in the Contempt Petition, the same would be entertained and not otherwise.

13. We also direct all the Educational Officers/concerned authorities to follow the directions given by the Division Bench of this Court in the case of **Shailaja Ashokrao Walse** (supra) scrupulously.

14. With the above directions, all these Writ Petitions stand disposed of.

[SANGITRAO S. PATIL, J.]

[V.M. KANADE, J.]

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