

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8841 OF 2017

Dagdu Vishwanath Munde

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri V. D. Gunale, Advocate for the Petitioner.

Shri P. N. Kutti, A.G.P. for Respondent Nos. 1 and 2.

Shri A. N. Sabnis, Advocate for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATE : 11th June, 2018

PER COURT :

1. Mr. Gunale, learned counsel for the petitioner submits that the petitioner was appointed in Junior College to teach Sociology subject. Even permission was sought for. The learned counsel submits that the only reason mentioned is that the appointment of the petitioner is not as per Government Resolution dated 6.2.2012 and that up to date roster was not submitted. The permission was sought by the management from the Education Officer and the roster was also submitted.

2. Learned Assistant Government Pleader submits that the

appointment is not as per Section 5 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. The infirmities in the proposals were communicated but the institution did not comply with the same.

3. Learned counsel for the petitioner relies on the Government Resolution dated 13th March, 2018, to submit that there are no surplus candidates available in higher secondary schools and the condition of taking permission has been relaxed.

4. Considering the Government Resolution dated 13th March, 2018, we direct the Deputy Director of Education to reconsider the proposal seeking approval to the appointment of petitioner. The Deputy Director of Education shall also consider the up to date roster that may be submitted by the institution. So also, all the other aspects and the Government Resolution dated 13th March, 2018, and shall take decision afresh on its own merits, in accordance with law and policy, expeditiously and preferably within six (6) months. While taking decision afresh the impugned order could not be an impediment.

5. Writ Petition accordingly stands disposed of. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

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