

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6892 OF 2014

Shri. Roshan Kevalrao Thakare and others	..Petitioners
Versus	
The Education Officer (Secondary), Zilla Parishad, Nashik and others	..Respondents

**ALONGWITH
CIVIL APPLICATION NO.2922 OF 2014
IN
WRIT PETITION NO.6892 OF 2014**

Nasik Zilla Vidhayak Karya Samiti	..Applicant
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IN THE MATTER BETWEEN

Shri. Roshan Kevalrao Thakare and others	..Petitioners
Versus	
The Education Officer (Secondary), Zilla Parishad, Nashik and others	..Respondents

**ALONGWITH
WRIT PETITION NO.6887 OF 2014**

Shri. Pandit Vasant Jadhav	..Petitioner
Versus	
The Education (Secondary), Zilla Parishad, Nashik and others	..Respondents

**ALONGWITH
WRIT PETITION NO.6888 OF 2014**

Shri. Ravindra Bhagavan Pathade	..Petitioner
Versus	
The Education (Secondary), Zilla Parishad, Nashik and others	..Respondents

**ALONGWITH
CIVIL APPLICATION NO.2667 OF 2015
IN
WRIT PETITION NO.6888 OF 2014**

Nasik Zilla Vidhayak Karya Samiti	..Applicant
Versus	
Shri. Ravindra Bhagwan Pathade	..Respondent

**ALONGWITH
WRIT PETITION NO.6890 OF 2014**

Smt. Anitabai Udesing Jadhav and another	..Petitioners
Versus	
The Education (Secondary), Zilla Parishad, Nashik and others	..Respondents

**ALONGWITH
CIVIL APPLICATION NO.2669 OF 2015
IN
WRIT PETITION NO.6890 OF 2014**

Nasik Zilla Vidhayak Karya Samiti	..Applicant
Versus	
Smt. Anitabai Udesing Jadhav and another	..Respondents

**ALONGWITH
WRIT PETITION NO.6891 OF 2014**

Deepakkumar Shamrao Mahire and others	..Petitioners
Versus	
The Education (Secondary), Zilla Parishad, Nashik and others	..Respondents

**ALONGWITH
CIVIL APPLICATION NO.2670 OF 2015
IN
WRIT PETITION NO.6891 OF 2014**

Nasik Zilla Vidhayak Karya Samiti	..Applicant
Versus	
Deepakkumar Shamrao Mahire and others	..Respondents

**ALONGWITH
WRIT PETITION NO.6893 OF 2014**

Shri. Yogesh Dadaji Sonawane and others	..Petitioners
Versus	
The Education (Secondary), Zilla Parishad, Nashik and others	..Respondents

**ALONGWITH
CIVIL APPLICATION NO.2671 OF 2015
IN
WRIT PETITION NO.6893 OF 2014**

Nasik Zilla Vidhayak Karya Samiti	..Applicant
Versus	
Shri. Yogesh Dadaji Sonawane and others	..Respondents

**ALONGWITH
WRIT PETITION NO.6894 OF 2014**

Rajendra Sakharam Pawar and others	..Petitioners
Versus	
The Education (Secondary), Zilla Parishad, Nashik and others	..Respondents

**ALONGWITH
WRIT PETITION NO.6895 OF 2014**

Shri. Mahesh Nanasaheb Jadhav	..Petitioner
Versus	
The Education (Secondary), Zilla Parishad, Nashik and others	..Respondents

**ALONGWITH
CIVIL APPLICATION NO.2672 OF 2015
IN
WRIT PETITION NO.6895 OF 2014**

Nasik Zilla Vidhayak Karya Samiti	..Applicant
Versus	
Shri. Mahesh Nanasaheb Jadhav	..Respondent

**ALONGWITH
WRIT PETITION NO.6896 OF 2014**

Shri. Tushar Prabhakar Borse	..Petitioner
Versus	
The Education (Secondary), Zilla Parishad, Nashik and others	..Respondents

**ALONGWITH
CIVIL APPLICATION NO.2673 OF 2015
IN
WRIT PETITION NO.6896 OF 2014**

Nasik Zilla Vidhayak Karya Samiti	..Applicant
Versus	
Shri. Tushar Prabhakar Borse	..Respondent

**ALONGWITH
WRIT PETITION NO.6897 OF 2014**

Smt. Vaishali Yashwant Kakade	..Petitioner
Versus	
The Education (Secondary), Zilla Parishad, Nashik and others	..Respondents

**ALONGWITH
CIVIL APPLICATION NO.2674 OF 2015
IN
WRIT PETITION NO.6897 OF 2014**

Nasik Zilla Vidhayak Karya Samiti	..Applicant
Versus	
Smt. Vaishali Yashwant Kakade	..Respondent

**ALONGWITH
WRIT PETITION NO.6909 OF 2014**

Shri. Harshal Ashok Jadhav and others	..Petitioners
Versus	
The Education (Secondary), Zilla Parishad, Nashik and others	..Respondents

**ALONGWITH
CIVIL APPLICATION NO.2675 OF 2015
IN
WRIT PETITION NO.6909 OF 2014**

Nasik Zilla Vidhayak Karya Samiti	..Applicant
Versus	
Shri. Harshal Ashok Jadhav and others	..Respondents

**ALONGWITH
WRIT PETITION NO.7727 OF 2014**

Shri. Nitin Kadu Bedis and another	..Petitioners
Versus	
The Education (Secondary), Zilla Parishad, Nashik and others	..Respondents

**ALONGWITH
CIVIL APPLICATION NO.2676 OF 2015
IN
WRIT PETITION NO.7727 OF 2014**

Nasik Zilla Vidhayak Karya Samiti	..Applicant
Versus	
Shri. Nitin Kadu Bedis and another	..Respondents

Mr. N. V. Bandiwadekar, Advocate for the Petitioners in all the Writ Petitions.

Mr. J. G. Reddy, Advocate for the Applicant in all the Civil Applications.

Mr. Vikas Mali, AGP for Respondent No.1 and 2.

Mr. C. G. Patil, Advocate for Respondent No.3.

**CORAM : B. R. GAVAI &
B. P. COLABAWALLA, JJ.
DATE : 15th JANUARY, 2018**

PC.

1] For the reasons stated, the applications are allowed. The Applicants are permitted to intervene.

2] Rule. Rule made returnable forthwith. Heard by consent.

3] The Petitioners have approached this Court praying for quashing and setting aside the communication dated 7th May 2014 and the order dated 5th May 2012.

4] It appears that the Petitioners are working in the schools under the management of Respondent No.3 - Nashik Zilla Vidayak Karya Samiti.

5] It is the contention of the Petitioners that the Petitioners in pursuance to the advertisement issued by the Respondent No.3 had applied for the various posts of Shikshan Sevak. It is their further contention that the Respondent No.3 after following due selection process selected the Petitioners and appointed them by issuing various appointment orders.

6] The perusal of the orders impugned would reveal that the reasons given by the Respondent No.1 for not considering the cases of approval of the Petitioners are that there is a dispute pending with regard to the management of the Respondent No.3 and secondly, appointments were made without following the procedure like issuing advertisement etc.

7] Mr. J. G. Reddy, learned counsel appearing on behalf of the intervenor submits that the appointments made by the body claiming to be in management of the Respondent No.3 are totally illegal. He submits that dispute with regard to the change report is pending before the Assistant Charity Commissioner and as such body claiming to be in the management of Respondent No.3 could not have made appointments.

8] We find that the Respondent No.1 has erred in not considering the proposals for grant of approval on the ground that there is a dispute pending with regard to the management of the Respondent No.3. The Division Bench of this Court in the case of Murlidhar Janrao. Kale Vs. State of Maharashtra reported in 2011(1) Mh.L.J. 849 has clearly held that the Education Officer has no authority to go into the question regarding the dispute between two groups of the management. It has been held that such an issue can be considered only by the competent authority under the provisions of the Maharashtra Public Trusts Act, 1950. In that view of the matter, we find that refusal to consider the proposals on the said ground would not be sustainable in law.

9] In so far as the other aspect is concerned, no doubt that the appointments are required to be made following due procedure of law

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including issuing of advertisement etc.

10] We therefore quash and set aside the impugned orders and direct the Respondent No.1 to reconsider the matter afresh by permitting the Petitioners as well as Respondent No.3 to place the material on record in support of their submissions, that the appointments were made after following due selection process.

11] Needless to state that after reconsideration, the Respondent No.1 shall pass order in accordance with law within a period of six weeks from today.

[B. P. COLABAWALLA, J.]

[B. R. GAVAI, J.]