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

WRIT PETITION NO.172 OF 2019

1. Balasaheb Gangadhar Chavan,
Age: 38 years, Occ: Service
as Assistant Teacher,
R/o. Waghbet, Taluka Parli,
District Beed.
2. Tanaji Malusare Shikshan
Prasark Mandal, Waghbet,
Taluka Parli, District Beed,
through its Secretary,
Shri Amar R. Gitte,
Age: 35 years, Occ: Govt. service,
R/o. as above. ..PETITIONERS

VERSUS

1. The State of Maharashtra
Through its Secretary,
Department of School
Education, Mantralaya,
Mumbai – 400 032.
2. The Deputy Director of Education,
Aurangabad Division,
Aurangabad.
3. The Education Officer (Secondary),
Zilla Parishad, Beed. ..RESPONDENTS

Mr M.S. Shaikh, Advocate h/f Mr Sachin S. Deshmukh,
Advocate for petitioners;
Mr V.S. Badakh, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE
AND
S.M.GAVHANE, JJ.
DATE : 8th JANUARY, 2019**

ORAL ORDER :

Heard Advocate Mr. Shaikh along with Mr. Sachin Deshmukh, learned Counsel appearing for the petitioners.

2. Learned Counsel appearing for the petitioner submitted before us that with a very limited prayer, the petitioner is approaching this Court. Learned Counsel, by inviting our attention to the documents placed on record, submitted that the petitioner was appointed in the school of petitioner No.2, as Assistant Teacher and the petitioner was possessing requisite qualifications.

3. Learned Counsel for the petitioners then invited our attention to the document placed at page-30 in support of the submission that the petitioner acquired permanent status along with approval dated 23rd March, 2007. He then submitted that one of the teacher Mr. Gitte approached the Presiding Officer, School Tribunal, Aurangabad by

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filing appeal being Appeal No. 8 of 2006. Another employee namely Smt. Jadhavar had approached learned Presiding Officer, School Tribunal, Aurangabad by filing appeal being Appeal No. 66 of 2005. These appeals were decided on 8th January, 2015 and 2nd February, 2015 respectively.

4. Learned Counsel then submitted that in spite of orders passed by learned Presiding Officer, School Tribunal, Aurangabad, these two employees failed to joint services, as such, petitioner No. 2 institute submitted a proposal to the Education Officer in favour of petitioner No.1 and it is submitted that as Mr. Gitte and Smt. Jadhavar failed to join the school, the students are subjected to loss in their academic career and accordingly, petitioner No.1 be permitted to take classes. Learned Counsel then submitted that the Education Officer (Secondary) on receiving proposal dated 22nd February, 2017 called upon petitioner No.2 as well as Head master of Sainath Secondary Vidyalaya, Wagbet, Taluka Parli, District Beed.

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The hearing was scheduled on 25th September, 2017 before the Education Officer.

5. Learned Counsel then submitted that though the statement is missing in the petition, petitioner No.2 attended hearing scheduled on 25th September, 2017 along with necessary documents. He then submitted that as there is no decision by the Education Officer on the proposal dated 21st February, 2017 in spite of hearing scheduled on 25th September, 2017, the petitioners are before this Court, with limited prayer of issuing directions to respondent Nos. 2 and 3 i.e. the Deputy Director of Education, Aurangabad Division, Aurangabad and the Education Officer (Secondary), Zilla Parishad, Beed to decide the proposal dated 21st February, 2017 received by Education Officer on 16th March, 2017.

6. This being a limited prayer, in our opinion, the petition itself can be disposed of by issuing direction to respondent No.3 i.e. the

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Education Officer (Secondary), Zilla Parishad,
Beed to decide the proposal dated 21st February,
2017 received by him on 16th March, 2017 as
expeditiously as possible and not later than six
weeks from the date of this order.

7. The petition is accordingly disposed of
with above directions.

(S.M.GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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