

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

WRIT PETITION NO.1333 OF 2019

Sanjay Dinkar Bahiram,
Age: 32 yrs., Occu.: - Service,
R/o. Tq. Chalisgaon, Dist. Jalgaon ... **PETITIONER**

VERSUS

1. The State of Maharashtra,
Through the Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Director,
Vimukta Jati, Nomedic Tribes,
Other Backward Class and
Special Backward Class Welfare,
Maharashtra State, 3 Church Road,
Pune.
3. The Divisional Deputy Commissioner,
Social Welfare Department,
Nashik, Dist. Nashik.
4. The Assistant Commissioner,
Social Welfare Department,
Jalgaon, Dist. Jalgaon.
5. The Education Officer,
Secondary, Zilla Parishad,
Jalgaon.
6. The Chairman,
The Seva Sahkari Shikshan
Prasarak Mandal, Chalisgaon,
Dist. Jalgaon.
7. The Headmaster,
Vasantryao Naik madhyamik Aashram School,
Pimparkhed tanda, Tq. Chalisgaon,
Dist. Jalgaon ... **RESPONDENTS**

Mr. Harshal Prakash Randhir, Advocate for the petitioner
Mr. S.S.Dande, AGP for the respondent/State.

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 31.01.2019

P.C. :-

1. Heard learned counsel for the petitioner.
2. Though the petitioner is a teacher and approaching this Court seeking directions to decide the proposal for grant of additional devisions, the Management or Institute is not before us. Considering the cause represented in the petition, the petition is taken up for hearing disposal at the admission stage.
3. The petitioner was possessing requisite qualification and in response to advertisement, the petitioner submitted his application on 20.01.2012 the petitioner was appointed as an Assistant Teacher. Perusal of the documents placed on record at Exh.'C' shows that the petitioner was granted continuity in services subject to certain conditions.
4. Our attention was invited to proposal submitted through the Headmaster-respondent No.7 to the District Social Welfare Officer, Jalgaon dated 10.08.2011. It is submitted that as there is increase in the number of students, a proposal is already submitted for grant of devisions for 5th, 6th, 7th and 10th standard and the proposal is pending before the authority. By communication dated 10.08.2011 it was requested to

forward the proposal to Superior Officer. A check list document also placed on record. Then there is the other material in the form of the relevant information and a resolution authorizing respondent No.7-Headmaster to take necessary steps. Then there are various statements placed on record prepared by the Headmaster showing the strength of the students as well an information in tabular form showing the infrastructural facilities available in the school. A communication is also placed on record issued by the Assistant Commissioner, Social Welfare Department, Jalgaon to the Education Officer (Secondary) and it is stated that the proposal for additional divisions is received as per the requirement. The Education Officer was requested to endorse the report in respect of strength of students in various divisions (Pat Padtalni Ahawal). Another communication is placed on record dated 06.10.2012 whereby the Assistant Commissioner forwarded a positive opinion to the Regional Deputy Commissioner of Social Welfare Officer, Nashik. Then there is a communication from the Regional Deputy Commissioner, Social Welfare to the Director, Vimukta Jati, Momedic Tribes, Other Backward Class and special Backward Class Welfare Maharashtra State Pune dated 24.12.2012 wherein the Regional Deputy Commissioner submitted a positive recommendation to the Director. It is the submission of the learned counsel that right from the year 2011 till date the proposal is pending with respondent No.2 in spite of the recommendations of respondent Nos.3 and 4.

5. On the backdrop of these facts, the petitioner

prays for direction to decide the proposal. Learned Counsel was justified in seeking the directions on the backdrop of the above referred facts.

6. Resultantly we allow the petition with directions to respondent No.2 to decide the proposal of additional divisions in the school, namely, Vasantrao Naik Madyamik Aashram School, Pimparkhed Tanda, Tq. Chalisgaon, Dist. Jalgaon submitted through respondent No.7-Headmaster as expeditiously as possible and not later than 16 weeks from the date of order of this Court, if it is not decided, needless to state on the merits of the proposal.

7. With the above directions, the writ petition disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]