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

WRIT PETITION NO.601 OF 2019

1. Smt. Suvarna d/o Bhaskar Dhatrak,
Age: 41 years, Occ: Service,
R/o. House No.4, Vrundavan Colony,
Dhumalwadi Road, Akole,
Tq. Akole, Dist. Ahmednagar.
2. Santosh s/o Rambhau Wawale,
Age: 37 years, Occ: Service,
R/o. Bahirwadi, Post Rumbhodi,
Tq. Akole, Dist. Ahmednagar. ..PETITIONERS

VERSUS

1. The State of Maharashtra,
Through its : Secretary,
School Education Department,
Mantralaya, Mumbai-32.
2. The Director of Education,
Secondary & Higher Secondary
Education Department,
Maharashtra State, Pune-1.
3. The Deputy Director of Education,
Pune Division, Pune,
District Pune.
4. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar,
District Ahmednagar.
5. Agasti Rural Education Society,
Laxmi Market, New Shani Temple,
Akole, Tq. Akole, Dist. Ahmednagar,
Through its: Secretary/President.
6. Mahalaxmi Secondary & Higher
Secondary Vidyalaya, Pimpalgaon

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Nakvinda, Tq. Akole,
Dist. Ahmednagar
Through its: Head-Master. ..RESPONDENTS

Mr M. V. Dhongade, Advocate for petitioners;
Mr S. S. Dande, A.G.P. for respondent/State

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

DATE : 22nd JANUARY, 2019

ORAL ORDER :

Heard learned Counsel appearing for the petitioners.

2. Learned counsel appearing for the petitioners submitted that the representation is submitted to the Education Officer, (Secodnary), Zilla Parishad, Ahmednagar i.e. respondent No.4 on 13th December, 2018 thereby raising an objection to the approval granted in favour of one employee/teacher Smt. Snehal Pokharkar. He then submitted that the approval granted to Smt. Pokharkar would cause a serious prejudice to the present petitioners, as Smt. Pokharkar, in view of

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the approval granted would be permitted to join the services and thereby it would lead to disturb the roster and then further would lead to depriving the petitioners from their salary benefits. The copy of the order dated 15th October, 2018 is placed on record at Exhibit-C. Perusal of this order shows that the Education Officer (Secondary), Zilla Parishad, Ahmednagar, in view of the order passed by this Court granted approval to the proposal in favour of Smt. Snehal Pokharkar.

3. The petitioners have also placed on record the copy of the order of this Court dated 27th September, 2017 in writ petition no. 11715/2017 at Exhibit- G. The order reads thus:

This petition can be stands disposed of by directing respondent no.1 to take decision on the representation tendered by management on 13.04.2017, as expeditiously as possible, preferably within a period of four months from today and, it is accordingly directed. Writ petition stands disposed of.

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4. The perusal of representation submitted by these petitioners show that it is the grievance of the petitioners that when Smt. Snehal Pokharkar was appointed, at that point of time, there was no availability of any vacancy and also no vacancy, more particularly for candidates belonging to O.B.C. category. The petitioners, in the representation, alleged that the appointment of Smt. Snehal Pokharkar is sought for by suppression of facts.

5. In view of these peculiar facts, while disposing the writ petition by issuing directions to respondent No. 4 - the Education Officer, (Secondary), Zilla Parishad, Ahmednagar, to decide the representation dated 13th December, 2018 as expeditiously as possible and not later than eight (8) weeks from the date of this order, we further direct the Education Officer to ascertain and verify the record.

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6. In case, the Education Officer arrives at a conclusion that the Education Department is misled by suppression of the relevant facts and and the Society namely respondent No. 5 failed to submit all the relevant material before the Education Officer, the Education Officer is at liberty to take appropriate steps under the provisions of law against either erring persons or the office bearers of respondent no. 5.

7. With these observations, the petition is disposed of.

(**S.M.GAVHANE**)
JUDGE

(**PRASANNA B. VARALE**)
JUDGE

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