

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

WRIT PETITION NO.6267 OF 2019

Shankar s/o Tatyaba Sangle,
Age: 50 years, Occ: Service,
R/o. Aditya Nagari, Beed,
Dist. Beed & anr

PETITIONERS

VERSUS

The State of Maharashtra
Through Chief Secretary,
Mantralaya, Mumbai 400032
& ors

RESPONDENTS

Mr Girish K. Thigale (Naik), Advocate for the
petitioners;
Mrs P.V. Diggikar, A.G.P. for respondent Nos. 1,2 & 4;
Mr S.T. Shelke, Advocate for respondent No.3;
Mr A.D. Aghav, Advocate for respondent No.5

**CORAM : PRASANNA B. VARALE &
AVINASH G. GHAROTE, JJ.**

DATED : 4th OCTOBER, 2019

ORAL ORDER:

Heard Mr. Thigale, learned Counsel for the
petitioners.

2. The petitioners approached this Court challenging the communication issued by the respondent – institution dated 1st April, 2019 placed on record at Exhibit-A. Perusal of this communication shows that this communication draws support from a newspaper item published in local newspaper 'Daily Parshwabhumi'. Mr. Thigale, learned Counsel submitted that as per knowledge of the petitioners, State Election Commission had not issued such orders thereby preventing or prohibiting the teachers working in the private educational institutions from participating in campaigns arranged by the political parties.

3. Notice was issued by this Court vide order dated 10th June, 2019. In response to the notice, Mr. Shelke, learned Counsel appearing for respondent No. 3 – State Election Commission makes a positive statement before this Court that no such orders are issued by the State Election Commission whereby there is any prevention or

prohibition for a teacher working in the private educational institution to participate in the election campaign.

4. In view of submission of Mr. Shelke, learned Counsel, it can safely be stated that if newspaper item itself is based on erroneous impression, the consequent communication issued by the institution would loose its efficacy and communication would be inconsequential in nature.

5. Thus, considering the statement made on behalf of respondent No.3 – State Election Commission, the petition is disposed of.

[AVINASH G. GHAROTE, J.]

[PRASANNA B. VARALE, J.]