

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

WRIT PETITION NO. 5036 OF 2014

Arifuddin Rahimoddin Siddiqui

Age : 36 years, occu.: nil.

R/o near Mastan Pura Masjid,

Nanded.

Petitioner.

Versus

1. State of Maharashtra
Through Secretary,
Education Department,
Mantralaya, Mumbai.
2. Marathwada Shikshan Sanstha,
Nanded. Through its Secretary,
Govindrao Venkatrao Thete
Age : 65 years, r/o Vasantnagar,
Nanded.
3. Head Master,
Kasturba Gandhi Primary School,
Vasantnagar, Nanded.
4. Education Officer (Primary)
Zilla Parishad, Nanded

Respondents.

Mrs. A.N. Ansari, Advocate for the petitioner.

Mr. S.P. Tiwari, A.G.P. for the State/respondent No.1.

Mr. P.S. Shinde, Advocate for respondent Nos.2 and 3.

Ms. Yogita Kshirsagar, Advocate for respondent No.4.

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

Dated : 5 February 2019.

ORAL JUDGMENT :-

. The petition is filed for giving direction to the respondents to take decision on the proposal given by the Management which is recommended by Education Officer and which is pending with Deputy Director of Education and probably forwarded to the Government. Both the sides are heard.

2. The submissions made show that the present petitioner was appointed on the clerical basis in the year 1995. His appointment was approved in the year 2004, but as the strength of students came below 500, he lost the job in the year 2005, as the School was entitled to get such staff only after crossing the strength of 500 students. The submissions made show that again in the year 2009 on the basis of increase of strength the State Government sanctioned 193 posts of Clerks and the present respondent School was included in the said list. It is contended that in the past the petitioner had come to this Court by filing Writ Petition No.8247 of 2006 and in that petition

liberty was given to the petitioner to make representation, if the posts become available. Accordingly representation was made and it is forwarded with the recommendation of the Education Officer as observed above.

3. The submissions made show that the representation made in the year 2010 is pending with the respondent Authority. Considering the possibility that the respondent Authority made come with an excuse that the representation is not traceable, the Management is hereby directed to send again the copy of representation alongwith copy of proposal if any made, to the Authority like Education Officer. A fresh proposal may also be forwarded alongwith these documents, so that the present situation is considered by the Education Officer including the nature of post which was given to the petitioner and approval if any, given by the Authority at that time for such appointment. If such proposal is received from the Management, the Education Officer is to take decision on it within a period of 15 days from the date of receipt of proposal and thereafter the remaining Authorities are to take decision within 45 days from the date of correspondence with recommendations if any made by the

Education Officer. The Authorities are entitled to ascertain as to whether the post for this School was sanctioned and still it is in existence.

4. Liberty is there to the petitioner to move this Court again if due to lapse on the part of the Authorities, any loss is caused to the petitioner.

5. Rule is made absolute in above terms and the petitioner is disposed of.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE

vdd/