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

# 917 WRIT PETITION NO.1048 OF 2019

SAMATA SHIKSHAN SANSTHA PUNE THROUGH THE
SECRETARY VILAS ANANDA WAGH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Vishnu Laxman Dhoble
AGP for Respondent: Mr. V. S. Badak

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

**DATE : 7th February, 2019**

**ORAL ORDER :**

1. Heard Mr. Dhoble, the learned counsel appearing for the petitioner.

2. A very limited grievance is raised in the petition. The petitioner is an Education Society, approaching this Court through Secretary of the Society. It is submitted before us that the petitioner-Society runs a college, namely, Dr. Babasaheb Ambedkar of Social Work, Morane (Nakane) Dhule, District Dhule. By inviting our

attention to the documents placed on record, Mr. Dhoble learned counsel submitted that on 16.08.2016, the petitioner society approached the respondent No. 2 – Commissioner of Social Welfare, Maharashtra State, Pune. It was submitted before the Commissioner that the Society initially appointed one Shri Ravindra Shirsat in the year 1997. As there were certain complaints, a show cause notice was issued. Inquiry was conducted by following due procedure and in view of the inquiry report, action was initiated against Mr. Shirsat. Mr. Shirsat being aggrieved by that action approached the University and College Tribunal by preferring an appeal. As the appeal was decided against Mr. Shirsat, he approached this Court and was unsuccessful even before this Court.

3. The learned counsel Mr. Dhoble submitted that it was specifically brought to the notice of the Commissioner that from year 2008-09, till submission of the application to the Commissioner in the year 2016 due to the proceedings and non-appointment of a new person in place of Mr. Shirsat, the academic activity of the College is at sufferance. Mr. Dhoble submitted that with these appraisals, respondent No. 2-Commissioner was requested to permit the Society to appoint a new professor on a post falling vacant due to the action initiated by the Society and upheld before various forum.

4. Then Mr. Dhoble invited our attention to the next representation dated 18.05.2018. All the facts referred to above were reiterated in the representation and in addition, it is stated in the representation that there are two posts vacant in the College and as per the Government policy at least 50% posts are to be filled in as such the respondent authority was requested to permit the society to fill at least one post out of these two vacant posts. The copy of these representations dated 16.08.2016 and 18.05.2018 are placed on record at Exhibit - A collectively. Mr. Dhoble was justified in submitting before us that non-decision by the authority is not only causing hindrance for the Society in appointing an appropriate and eligible candidate and also lead to affecting the academic interest of the students.

5. On the backdrop of the submission of the learned counsel as well as in view of the material placed on record referred above, the petition is disposed of at the admission stage with a direction to respondent No. 2 - Commissioner to decide the proposal dated 18.05.2018 as early as possible and not later than 6 weeks from the date of order of this Court. Needless to state on the merit of the proposal in case the respondent No. 2 is of the opinion that opportunity of hearing be granted to the society, respondent No. 2 may undertake this exercise by issuing a notice to the petitioner-society,

calling upon the petitioner-society for hearing. With these directions, petition is disposed of.

**(S. M. GAVHANE, J.)** **(PRASANNA B. VARALE, J.)**