

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10404 OF 2013

Sindhudurg Zilla Shikshan	}	
Sanstha Chalak Mandal	}	
(Registered)	}	Petitioner
versus		
The State of Maharashtra }		
and Ors.	}	Respondents

Mr.Prashant Bhavke for the petitioner.

Mr.S.S.Panchpor-AGP for State.

CORAM :- S. C. DHARMADHIKARI &
M. S. KARNIK, JJ.

DATE :- FEBRUARY 25, 2019

P.C. :-

1. This writ petition was filed on 24th October, 2013. Prayer
clauses (a), (b) and (c) of this writ petition read as under:-

“a] Rule nisi be issued and records and
proceeding be called for;

b] By a suitable Writ, Order or direction, this
Hon’ble Court be pleased to quash and set aside the
impugned clause “(1.8)” of Government Resolution
dated 02.05.2012 [Exhibit-A] and Para ‘2’ of
Government Resolution dated 04.09.2013 (mentioned
at internal Page No. 3 and under caption of ‘Shasan
Nirnaya’) [Exhibit-C];

c] By a suitable Writ, Order or direction,
this Hon’ble Court be pleased to hold and declare the
Member-Institutions of Petitioner-Association have a
absolute right to fill up the all sanctioned vacant
teaching and non-teaching posts in their respective
aided Secondary and Higher Secondary Schools and
the Respondents have not any authority or power to
ban such recruitment teaching and non-teaching
posts.”

2. The petitioner is conceding that there is a Government Resolution dated 2nd May, 2012 and which imposes a ban on recruitment of teachers in the schools covered by the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and the rules framed thereunder. The ban is imposed so as to fulfill a salutary object and that is that several teachers who are recruited in the past have been rendered jobless on account of closure of schools and in some cases, for no fault on their part. So long as such teachers are available in the district, the concerned management shall not initiate any drive to fill up the posts.

3. We do not see how in the year 2019 we are concerned with this issue for if the petitioner feels that the ban obstruct their smooth functioning and they want the teachers and non-teaching staff so as to fill up the existing vacancies and to meet larger interest of public, none prevents them from approaching the competent authorities and seeking their intervention so as to deal with the problem faced by them. We do not think that any purpose will be served by now passing any further orders in this writ petition. It is disposed of.

(M.S.KARNIK, J.)

(S.C.DHARMADHIKARI, J.)