

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

WRIT PETITION NO. 12966 OF 2018

Shramik Shikshan Prasarak Sanstha
Pimpalgaon-Depa, Tq. Sangamner,
Dist. Ahmednagar,
Through its Secretary,
Raosaheb S/o Kisan Ganjwe

... Petitioner.

Versus

Education Officer (Secondary)
Zilla Parishad, Ahmednagar
and others

... Respondents.

....

Mr. L.V. Sangit, Advocate for the Petitioner.
Mr. A.R. Kale, A.G.P. for Respondent Nos.1 and 2.
Mr. A.J. Kawade, Advocate for Respondent No.3.

....

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 21st SEPTEMBER, 2020

PER COURT:-

1. The orders rejecting the application for filling in the posts and seeking approval to the appointment of the recruitee are assailed.
2. We have heard the learned counsel for the petitioner, the learned A.G.P. for Respondent Nos.1 and 2 and the learned counsel appearing for the Respondent No.3.

3. In the present writ petition, we would not enter in to the dispute as to who is in the Management. Respondent No.3 claims to be the President, whereas the petitioner - Raosaheb Ganjwe also claims himself as a Secretary. It is for the Charity Commissioner to decide the said dispute.

4. It appears from the documents on record that on or about 04.08.2017, the application was made to the authorities intimating the vacancies available. On or about 24.08.2017, the Deputy Director, Pune Division, communicated to the Education Officer about the vacancies to be created and directed him to take appropriate decision on the application of the petitioner. It appears that, the petitioner appointed new recruitees in the year 2018. The approval is not granted to them.

5. One of the contention of the learned A.G.P. is that the roster is not approved. The recruitment process did not adhere to the Government Resolution dated 06.02.2012, so also there is ban on the recruitment.

6. It appears that the relaxation was also granted to the teachers employed to teach Mathematics, Science and English subjects and also employed from the reserved category. It does not appear from the impugned order that all these aspects have been considered.

7. It would be appropriate for the Education Officer to consider all the relevant aspects of the matter including following proper procedure

while recruiting the new recruitees. The orders impugned are non-speaking one and does not give the details.

8. It is also not disputed by the learned A.G.P. that during this period, the petitioner made an application to the authorities intimating the vacancies. No reply was received and thereafter made new appointments. The respondent did not send the surplus candidates to the petitioner's institution. The petitioner had not refused to absorb the surplus candidates.

9. In light of above, the impugned orders are quashed and set aside. The Education Officer shall re-consider the proposal seeking approval to the appointments of the new recruitees afresh. It shall certainly consider the roster, the observance of the proper procedure while filling in the posts, qualification of the teachers and all other relevant aspects. The respondent No.3 may raise his objections with the Education Officer. The Education Officer shall, after considering the stand of the petitioner and respondent No.3, take appropriate decision on the said proposal on its own merits and in accordance with law, preferably within four months.

10. Writ Petition is accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE