

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO.5973 OF 2020

HEMRAJ JAGANNATH FEGADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. A.B. Girase, Advocate holding for
Mr. Yogesh B. Bolkar, Advocate for the petitioner.
Mr. S.G. Sangle, A.G.P. for respondent Nos.1 to 3.
Mr. V.S. Panpatte, Advocate for respondent No. 6.

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CORAM : **RAVINDRA V. GHUGE &
AVINASH G. GHAROTE, JJ.**

DATE : 23-06-2021.

ORDER :

1. The petitioner in this petition has put-forth prayer clauses 'B' and 'C' as under :-

"B] By way of appropriate writ, order or direction in the like nature, this Hon'ble High Court may kindly quash and set aside the impugned order dated 30/01/2019 passed by the respondent No. 2 Deputy Director of Education, Nashik Division, Nashik and further to cancel the approval order dated 25/05/2017 issued by the respondent No. 3 in favour of the respondent No. 6.

c] By way of appropriate writ, order or direction in the like nature, this Hon'ble High Court may kindly direct the respondent Nos. 2 and 3 to cancel the approval order dated 25/05/2017 issued in favour of the respondent No.6, on the ground that, the respondent No.6 was continued in service without there being any

sanctioned post fro the academic year 2015-2016, 2016-2017 and 2017-2018”.

2. This petition has been filed on 3rd June 2019. By an order dated 13th April 2016 passed by this Court in Writ Petition No.7197 of 2013, the Education Officer (Secondary), Zilla Parishad, Jalgaon as well as Deputy Director of Education, Nashik were directed to take a decision on the pending proposals as regards the approval to the appointment of the teachers. It is in pursuance to this order that the approvals were granted by the Deputy Director (Education) on 30th January 2019.

3. The learned Advocate for the petitioner extensively canvassed the grounds set out in this petition and has vehemently submitted that this petition should be allowed in terms of prayer clauses 'B' and 'C'. However, on the basis of the record, he fairly submits that the petitioner is neither an employee of respondent No.4 Institution, nor is he a Member of the said Society, nor is he a person connected with those whose approvals have been granted. He is a Social Worker and being a citizen of this country, he is keeping vigil on such actions of grant of approvals to the teachers.

4. We are not convinced by the credentials of the petitioner. In service jurisprudence, a lay person cannot be permitted to question matters which fall within the realm of the Education Department. Neither any co-employee nor the Society nor the Educational Institution, who can be said to be stake holders, are aggrieved by the approvals granted to the teachers pursuant to

the order of this Court dated 13th April 2016.

5. As such, this petition is dismissed in view of the petitioner having no *locus standi*.

(AVINASH G. GHAROTE)

(RAVINDRA V. GHUGE, J.)

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