

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2688 OF 2018

Shri Siddeshwar Shikshan Prasarak Mandal
and Ors.

... Petitioners

Versus

The State of Maharashtra and Ors.

... Respondents

Mr. Prashant Bhavake for the Petitioners.

Ms. Sushma S. Bhende, AGP for the State-Respondents.

**CORAM: R. D. DHANUKA AND
ABHAY AHUJA, JJ.**

DATE : 11th OCTOBER, 2021.

P.C. :-

. Rule. Ms. Bhende, learned AGP waives service for the respondents. By consent of parties, petition is heard finally.

2. By this petition filed under Article 226 of the Constitution of India, the petitioners are seeking an order and direction to quash and set aside the impugned order dated 9th August, 2017 passed by the Education Officer (Secondary), Zilla Parishad thereby rejecting the proposal dated 10th July, 2017 submitted by the petitioner nos.1 and 2 for individual approval to the appointment of the petitioner no.3 in the post of Shikshan Sevak in the petitioner no.2-Secondary School and also seeks direction against the respondent no.5-Education Officer to provisionally granting of said proposal and to release current salary payable to the petitioner no.3 with its all arrears.

3. Mr. Bhavake, learned counsel for the petitioners invited our attention to paragraph 2 of the Affidavit-in-reply filed by the respondent nos. 1 and 2 affirmed on 9th October, 2018 stating that the Education Officer (Secondary), Zilla Parishad will decide the proposal dated 10th July, 2017 and submitted by the respondent no.2 in accordance with the law.

4. Ms. Bhende, learned AGP for the State confirmed the said statement in the said affidavit that the Education Officer (Secondary) Zilla Parishad will decide the proposal dated 10th July, 2017 in accordance with the law. We accordingly quash and set aside the order dated 9th August, 2017 and direct the Education Officer (Secondary), Zilla Parishad to decide the said proposal dated 10th July, 2017 submitted by the respondent nos. 1 and 2 within eight weeks from today.

5. The petitioner no.3 is directed to remain present before the Education Officer (Secondary), Zilla Parishad for personal hearing on 21st October, 2021 at 11:00 a.m. Learned AGP agrees to convey this order to the concerned Education Officer (Secondary), Zilla Parishad for information and compliance.

6. The Education Officer (Secondary), Zilla Parishad shall pass a fresh order without being influenced by the observations made and conclusion drawn in the impugned order dated 9th August, 2017 within eight weeks from the date of the first hearing and shall communicate

the order that would be passed within one week from the date of the passing of the said order. If the said order is adverse against the petitioner no.3, the petitioner no.3 would be at liberty to file appropriate proceedings. If the proposal submitted by the Management is granted by the Education Officer (Secondary), Zilla Parishad, the Education Officer (Secondary), Zilla Parishad will release the grant-in-aid payable to the petitioner no.3 within eight weeks from the date of passing of the said order and shall insert the name of the petitioner no.3 in the Shalarth ID within four weeks from the date of passing of such order, if the proposal submitted by the Management is accepted.

7. Rule is made absolute in aforesaid terms. Writ Petition is disposed of accordingly. There shall be no order as to costs.

8. Parties to act on the authenticated copy of this order.

[ABHAY AHUJA, J.]

[R. D. DHANUKA, J.]