

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10260 OF 2018

Begum Kamrunnissa Karigar Girls' High
School and Junior College, Solapur and Anr. .. Petitioners
v/s.
The State of Maharashtra & Ors. .. Respondents

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Mr. Vijay Killedar, for the Petitioners.

Mr. VM. Mali, AGP, for Respondent Nos. 1 to 3.

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**CORAM: S.C. GUPTE &
SURENDRA P. TAVADE, JJ.**

DATE : 10 FEBRUARY, 2021.

PC:-

. The grievance of the Petitioners in the present petition is that their application for approval to appointments of temporary teachers for a period upto one year under the Government circular/communication dated 30 October 1996 has not been processed by the Respondent Deputy Director of Education. The Petitioners run a secondary school and junior college exclusively for girl students. There are as many as 1276 students studying in the secondary school of the Petitioners, and 720 girl students in the junior college. The school and the college are falling short of about 9 teachers. The Petitioners are, however, not able to appoint these teachers through regular process, since many trustees of the trust managing the school and the college have since expired and change

reports in that behalf are pending before the Charity Commissioner's office. In these circumstances, the Petitioners have requested the Deputy Director of Education to allow them to appoint temporary teachers for a period of about one year. There is a government circular/communication dated 10 October 1996 addressed by Additional Secretary, School Education Department, Maharashtra State to Director of Education, Maharashtra State, Pune, which provides for rights of Headmaster as Member Secretary of the school committee to appoint temporary teachers for a period upto one year, in case there is no school committee in existence or school committee is not properly constituted. There is, thus, a case for temporary appointment of teachers, backed by an appropriate legal provision. The Petitioners' application in that behalf is pending with Deputy Director of Education since 21 March 2018. On these facts, the petition can be conveniently disposed of by directing Deputy Director of Education to take a decision on the Petitioners' application in a time-bound manner.

2. In the premises, the petition is disposed of in terms of the following order:

- (i) The Petitioners shall make a fresh application setting out the facts as of today's date for appointment of temporary teachers for a period upto one year to Deputy Director of Education;
- (ii) Upon such application being made, the Deputy Director of Education shall process the same and take appropriate

decision on it within a period of six weeks of submission of such application;

- (iii) The Deputy Director, whilst taking a decision on the Petitioners' application, shall be guided by the Government communication dated 30 October 1996 issued by School Education Department, Maharashtra State to the Director of Education, Maharashtra State, Pune.

(SURENDRA P. TAVADE, J.)

(S.C. GUPTE, J.)