

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

1004 WRIT PETITION NO.4944 OF 2022

WITH

WP/4945/2022

WITH

WP/4946/2022

**RASHTRAMATA JIJAU SEVABHAVI SANSTHA
THROUGH ITS PRESIDENT AND OTHERS
VERSUS**

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners: Mr. N. L. Choudhari

GP for Respondent Nos.1 to 7: Mr. D. R. Kale

Advocate for Respondent No.8 (WP/4944/2022):

Mr. Maheshkumar S. Sonawane

Advocate for Respondent No.8 (WP/4945/2022):

Mr. N. N. Desale

Advocate for Respondent No.8 (WP/4946/2022): Ms.

Vaishali S. Choudhari

...

CORAM: RAVINDRA V. GHUGE

AND

ARUN R. PEDNEKER, JJ.

DATE: 25th AUGUST, 2022

PER COURT:

1. All these Petitioners are identically placed.

2. We have considered the submissions of the learned Advocate for the Petitioners and the learned Counsel representing the respective Zilla

Parishads and the learned Chief Government Pleader on behalf of Respondent Nos.1 to 7, in all these matters.

3. On 02.08.2022, we had passed the following order:-

"1. The petitioners have put forth prayer Clause 'B' as under :-

(B) By issuing writ of mandamus or any other appropriate writ, order or directions, the respondents be directed to absorb the petitioners in any other School run by Zilla Parishad, Jalgaon i.e respondent No.8 in view of the report dated 29th November, 2021 submitted by Out Ward Clerk and in view of Government Resolution dated 15th September, 2010 as well as orders passed by this Hon'ble Court in Writ Petition No.10393 of 2017, 10417 of 2017, 11889 of 2017, 2434 of 2018, 2468 of 2018, 3390 of 2018.

2. Issue notice to the respondents, returnable on 23/08/2022. The learned Government Pleader waives service of notice on behalf of respondent Nos.1 to 7. The learned Advocate Mr. M. S. Sonwane waives service of notice on behalf of respondent No.8 in WP No.4944 of 2022. The learned

Advocate Mr. N. N. Desale waives service of notice on behalf of respondent No.8 in WP No.4945 of 2022. The learned Advocate Ms. Vaishali S. Choudhari waives service of notice on behalf of respondent No.8 in WP No.4946 of 2022."

4. The learned Advocate for the Petitioners has drawn our attention to the order dated 11.03.2019, passed by this Court in Writ Petition NO. 2434 of 2018, filed by Dr. Babasaheb R. Ambedkar Seva Bhavi Sanstha, Dhule and others Vs. The State of Maharashtra and others and connected matters. More specifically, our attention is drawn to Paragraph Nos.6 to 11, which read as under:-

"6. Considering the ground raised by the respondents, it will be appropriate for the Director of Education (Primary) Pune to conduct an enquiry with regard to the genuineness of the documents placed by the petitioner on record. The Director of Education is a Higher and responsible officer. The Director of Education (Primary) shall consider his record so also the documents that may be produced by the petitioners before him and shall take decision about

the genuineness of the documents placed by the petitioners and as to whether the Director of Education had really granted approvals to the Units as contended by the petitioners and so also approved the names of the teachers working therein, as it is submitted that all these orders and approvals are prior to 1st March, 2009.

7. Depending upon the decision that would be taken by the Director of Education (Primary) after conducting enquiry regarding genuineness of the documents placed before it, the parties make take further steps accordingly.

8. Needless to state, if the Director of Education (Primary) arises at the conclusion that the documents produced by the petitioners are genuine and that office of the Director of Education has granted approval to the Units and the petitioners, then the Director of Education and the authorities may take further steps as contemplated in the Government Resolution dated 15th September, 2010.

9. If the Director of Education (Primary) records conclusion that the documents produced by the petitioners are not

genuine one, then the Director of Education (Primary) is also entitled to take further steps against the erring persons.

10. Writ petitions are accordingly disposed of. No costs.

11. The Director of Education (Primary), if it is possible, may conduct enquiry and conclude his finding expeditiously, preferably within three months. "

5. The communication by the Deputy Director of Education, Nashik Division addressed to the Joint Director / Respondent No.3 herein, is pointed out. It is obvious that the enquiry and the verification exercise has been completed.

6. The learned Government Pleader submits that if this Court grants a particular time frame, further steps would be taken as contemplated under the Government Resolution dated 15.09.2010, as set out in Paragraph Nos.7 and 8 of the order of this Court dated 11.03.2019, reproduced above. The action pursuant to the said enquiry would be initiated.

7. The learned Advocate for the Petitioners submits that the Petitioners would be satisfied if this Court grants a time frame for the Respondents / State Authorities to initiate steps in pursuance to the enquiry reports, within a particular time frame.

8. In view of the above, these Petitions are disposed off.

9. The Director of Education (Primary) would proceed to take action, which shall be initiated within three (03) weeks in the light of the enquiry reports and the same shall be completed expeditiously and preferably, within six (06) weeks thereafter.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

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