

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

**23 WRIT PETITION NO.6487 OF 2022
YOGESHWARI EDUCATION SOCIETY THROUGH ITS SECRETARY AND
ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND OTHERS**

Mr.Milind Madhukar Patil, Advocate for the petitioners.

Mr.S.B. Yawalkar, AGP for the respondent/State.

**CORAM : RAVINDRA V. GHUGE &
 ANIL L. PANSARE, JJ.
DATED : 11.07.2022**

PC :-

01. The petitioner has putforth prayer clauses “B” and “C” as under :-

“B] Rule made kindly be made absolute and the respondents, more particularly the respondent No.2 may kindly be directed to assess the selection process initiated by the petitioners vide advertisement dated 7th January, 2022 for recruitment for eight vacancies of sanctioned posts of Teachers available with the petitioner school to confirm that the selected candidates possess prescribed qualifications and belong to the category of respective vacancy; with further direction to complete such assessment and process of individual approval within one month from the date of submission of the proposal for approval by the petitioner school to ensure timely release of salary to the newly recruited staff.

C] Pending hearing and final disposal of the writ petition, and pending the process of assessment of eligibility of the newly recruited staff by the petitioners, recruited after intimation dated 4th January, 2022 submitted to the Education Officer, respondents herein may kindly be directed to release salary of such newly recruited staff discharging their duties with the petitioner school.”

02. The petitioner’s basic contention is that the permission of the Education Officer under section 5 of the Maharashtra Employees Of Private Schools (Conditions Of Service) Regulation Act, 1977 (for short “the MEPS Act”), for initiating the recruitment process was sought and the Education Officer was sitting over their representation. They, therefore, commenced the selection process by advertising and holding interviews in January, 2022 and issued appointment orders. The purpose for the petitioners in coming to this Court is that they desire that this Court should grant it’s seal of approval to such recruitment of the teachers on the ground/pretext that the Education Officer was not responding to their application seeking permission to recruit, as well as, he was not submitting a list of eligible surplus candidates, who could have been absorbed.

03. We are aware of such *modus operandi* being resorted to by

several private managements, who drop applications in the office of the Education Officer, seeking permission to recruit. Such petitioners come to this Court for seeking approval to such recruitment. Such petitioners also approach this Court for seeking a direction to the Education Officer to decide the pending application for seeking permission to initiate a recruitment process. By blaming the Education Officer for being inactive and surreptitiously proceeding to initiate the recruitment process and then approach this Court with prayer clauses “B” and “C” putforth, we are afraid we cannot entertain such petition. This petitioner has earlier repeated the same *modus operandi* in Writ Petition Nos.3680 of 2020 and 10624 of 2021, wherein the applications for recruitment were filed. So also, the recruitment of teachers is now permissible only through the Pavitra Portal. No management can by-pass this system.

04. At this stage, the learned Advocate for the petitioners makes a statement, on instructions, that the petitioners desire to withdraw this petition.

05. In view of the above, this petition is dismissed as withdrawn.

06. The learned Advocate for the petitioners submits that the petitioners desire to pursue other remedies. We make it clear that we have not expressed any view and in the event the petitioners approach any authority for redressal of their grievance, the same shall be considered strictly within the provisions of the MEPS Act and the law of recruitment.

[ANIL L. PANSARE,J.]

[RAVINDRA V. GHUGE,J.]