

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

WRIT PETITION NO. 7423 OF 2018

Omakeshwar Narayan Sudewad
and others

.. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri S. R. Bagul, Advocate h/f Shri B. N. Gadegaonkar, Advocate
for Petitioners.

Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 to 4.

**CORAM : R. D. DHANUKA AND
S. G. MEHARE, JJ.**

DATE : 15TH MARCH, 2022.

FINAL ORDER :

. The short grievance of the petitioners in this petition is that, the Education Officer (Secondary), Zilla Parishad, Nanded has not complied with the order dated 27th July, 2007 passed by this Court in Writ Petition No. 412 of 2007 filed by the petitioner Nos. 1 and 2. Vide order dated 27th July, 2007, this Court directed the Education Officer to decide the issue of approval of services and pass appropriate orders ignoring the order passed by him on 03rd March, 2004.

2. Our attention is invited to the communication dated 04/09th October, 2007 issued from the office of the Education Officer (Secondary), Zilla Parishad, Nanded to the Secretary, School

Education and Sports Department, Mantralaya, Mumbai stating that the issue will have to be decided by the State Government.

3. It is the grievance of the petitioners that, the State Government has not taken any decision on the said recommendation of Education Officer dated 04/09th October, 2007 as well as has not complied with the order dated 27th July, 2007 passed by this Court in Writ Petition No. 412 of 2007.

4. In view of the fact that, there is no decision taken by the State Government pursuant to the order dated 27th July, 2007 passed by this Court in Writ Petition No. 412 of 2007, approval as prayed in prayer clause 'B' cannot be granted. We accordingly direct the Education Officer (Secondary), Zilla Parishad, Nanded to pass appropriate order in accordance with the directions issued by this Court on 27th July, 2007 in Writ Petition No. 412 of 2007 within a period of four (04) weeks from the date of hearing that would be granted to the petitioners.

5. The learned counsel for the petitioners states that, from the date of appointment of the petitioner Nos. 1 and 2, there were already four posts vacant. The Education Officer to consider this aspect also while passing fresh order. The petitioners are directed to remain present before the Education Officer (Secondary) on 23rd March, 2022 at 11.00 a.m.

6. The learned Assistant Government Pleader for respondent

Nos. 1 to 4 to convey this order to the Education Officer (Secondary), Zilla Parishad, Nanded for information and necessary compliance. The order that would be passed by the Education Officer shall be communicated to the petitioners within one (01) week from passing of order. If the order that would be passed is in favour of the petitioners, consequential benefits shall be granted to the petitioners within a period of two (02) weeks from the date of passing of order.

6. If the order that would be passed is adverse to the interest of the petitioners, the petitioners are at liberty to file appropriate proceedings for impugning said order. All contentions of both the parties are kept open. The Education Officer shall pass an order by ignoring the order passed by him on 03rd March, 2004 and in accordance with law after granting personal hearing to the petitioners. The Education Officer shall pass fresh order without being influenced by the observations made and conclusions drawn in communication dated 04/09th October, 2007.

7. The writ petition is disposed of in above terms. No orders as to costs.

8. Parties to act on authenticate copy of this order.

[S. G. MEHARE, J.]

[R. D. DHANUKA, J.]