

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10970 OF 2019

Manovikas Vidyalaya (Prathamik Shala)
Kandhar, Tq. Kandhar, Dist. Nanded
Through its President School Committee
Shri Laxmikant Gangadharrao Mukhedkar
Age : 65 years, Occu : Legal Advisor & Social Work,
R/o : Ram Mandir Galli, Kandhar,
Tq. Kandhar, Dist. Nanded .. Petitioner

Versus

- 1] The State of Maharashtra,
Through its Principal Secretary
School Education Department
Mantralaya, Mumbai – 32
- 2] The Education Commissioner,
Maharashtra State, Pune,
Central Building, Pune-1
- 3] The Director of Education (Primary),
Maharashtra State, Pune,
Central Building, Pune-1
- 4] The Divisional Deputy Director of Education,
Latur Division, Latur
- 5] The Education Officer (Primary),
Zilla Parishad, Nanded .. Respondents

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Advocate for petitioner : Mr. Vitthal C. Salgare
AGP for the respondent – State : Mr. A.S. Shinde
Advocate for the respondent no. 5 : Mr. P.B. Gapat h/f. Mr. N.S. Kadam

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**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 11 AUGUST 2022

ORAL ORDER (SANDEEP V. MARNE, J.) :

By way of present petition, the petitioner is seeking direction for revival of two posts of primary teachers which were abolished from the primary school of the petitioner on account of failure of the petitioner to accommodate surplus teachers. The petitioner seeks a further direction for sanctioning of teaching staff as provided under Government Resolution dated 28-08-2015 for academic year 2019-2020.

2. So far as the grievance of the petitioner for revival of two posts of Assistant Teachers, Mr. Salgare, appearing for the petitioner invites our attention to the communication dated 02-01-2019 by the Education Officer (Primary), Zilla Parishad, Nanded to the Director of Education (Primary), Maharashtra State, Pune, by which it has been communicated that since petitioner school has shown willingness for accommodation of surplus teachers, the two posts of Assistant Teachers can be revived in the petitioner-school. Mr. Salgare submits that though the said communication was made on 02-01-2019, no decision has yet been taken on the same.

3. So far as prayer clause (C) of the petition for sanctioning of the teaching staff as per the Government resolution dated 28-08-2015 is concerned, Mr. Salgare is candid enough to admit that

so far the petitioner-school has not submitted any proposal or representation to the concerned authority.

4. In the above backdrop, we dispose of the present petition by passing the following order :-

ORDER

(I) Respondent no. 3 is directed to take a decision on communication dated 02-01-2019 sent by respondent no. 5 within a period of three (3) months from today.

(II) So far as the prayer clause (C) in the petition for sanctioning of teaching staff as per the Government Resolution dated 28-08-2015, the petitioner shall make appropriate representation / proposal to respondent no. 5 within a period of four (4) months from today. In case such a representation / proposal is made within the time limit, the respondent no. 5 shall take a decision thereon within a period of three (3) months from the date of receipt of such representation / proposal.

5. Writ petition is disposed of.

[SANDEEP V. MARNE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/