

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

WRIT PETITION NO.5111 OF 2022

1. Kamaji s/o. Gangadhar Pentewad .. Petitioners
Age.35 years, Occ. Teacher,
R/o. Presently at H.No.2202, Kisan Ghule Niwas,
Gurudevsnagar, Jintur, Tq. Jintur,
Dist. Parbhani.
2. Maruti s/o. Ganesh Pagalwad
Age. 35 years, Occ. Teacher,
R/o. Presently C/o. Raut Sir, Green Park,
Jintur, Tq. Jintur, Dist. Parbhani.

Versus

1. The State of Maharashtra .. Respondents
Through the Secretary of Rural Development
Department, Mantralaya, Mumbai-32.
2. The Chief Executive Officer,
Zilla Parishad, Parbhani.
3. Education Officer (Primary)
Zilla Parishad, Parbhani.

Mr.H.V. Tungar, Advocate for the petitioners.

Mr.S.G. Karlekar, AGP for respondent/State.

Mr.S.R. Yadav – Lonikar, Advocate for respondent Nos.2 and 3.

**CORAM : R.D. DHANUKA &
ANIL L. PANSARE, JJ.
DATED : 06.06.2022**

ORAL JUDGMENT : [PER : R.D. DHANUKA,J.] :-

01. Rule. Mr.Karlekar, learned AGP waives service for respondent No.1 and Mr.S.R. Yadav – Lonikar, learned Counsel waives service for respondent Nos.2 and 3. Rule made returnable forthwith.

02. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks writ of mandamus against the respondent Nos.2 and 3 to remain present and take part in counselling process of Zilla Parishad Primary School teachers to be held in the year 2021.

03. Learned Counsel for the petitioners produced copy of representation dated 29.11.2021 given to respondent No.2 and submits that the petitioner would be satisfied with writ of mandamus if issued against respondent Nos.2 and 3 to decide the said representation dated 29.11.2021. Copies of the representation made by both the petitioners are taken on record. Learned Counsel for respondent Nos.2 and 3, on instructions, states that his client would decide the said representations within three months from today. The statement is accepted.

04. Copy of order that would be passed on said representation should be served on the petitioners within one week from the date of passing of such order. If the representation of the petitioners is accepted, the relief sought in the representation shall be granted in accordance with law and if same is rejected, the petitioner would be at liberty to file appropriate proceedings permissible in law. This Court has not expressed any view on the merits of the petition. All contentions of both the parties are kept open.

05. The writ petition is allowed in aforesaid terms. Rule made absolute. No order as to costs.

[ANIL L. PANSARE,J.]

[R.D. DHANUKA,J.]