

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2309 OF 2023

MULTANI BAHU UDDESHIYE SHIKSHAN SANSTHA THROUGH
PRESIDENT MANSURKHA AJMERKHA MULTANI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY
AND OTHERS

Mr.M.N.Shaikh h/f Mr.S.S.Kazi, Advocate for the Petitioners.
Mr.S.G.Sangle, AGP for Respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : FEBRUARY 28, 2023

PER COURT :

1. The Petitioners have put forth prayer clauses B, C and D as follows :-

"B. By issuing writ of mandamus or any other appropriate writ or direction in like nature, the respondents be directed to grant approval in favour of petitioner No.2 as Assistant Teacher and include the name of petitioner no.2 in Shalarth Pranali and pay regular salary.

C. By issuing writ of mandamus or any other appropriate writ or direction in like nature, the impugned communication dated 17.01.2023 be quashed and set aside.

D. Pending hearing and final disposal of this writ petition, the respondents be directed to grant approval and to pay regular salary

forthwith to petitioner No.2 as Shikshan Sahayak and included the name of petitioner No.2 in Shalarth Pranali."

2. Petitioner No.1 is the Education Society. The Chairman of the Society is the father of Petitioner No.2, who has been selected and appointed as an Assistant Teacher. Petitioner No.2 passed her S.Sc. Examination in 2006 and her H.Sc. Examination in 2016, after 10 years. A teacher by name Akbar Khan Sikandar Khan is said to have tendered a resignation letter on 01.02.2022. An advertisement is published on 21.02.2022, in a Urdu Newspaper namely "Daily Muqaddas", Aurangabad before legally accepting the resignation of Mr.Akbar Khan. Petitioner No.2, who is the daughter of the Chairman, was appointed on 02.03.2022, which is the same day on which the resolution was passed by the Petitioner No.1 Management under the Chairmanship of the father of Petitioner No.2. The resolution placed on record at page No.28 dated 02.03.2022 purports the minutes of the meeting held on 03.02.2022. Apparently, the entire endeavour and approach of the Management clearly indicates that the Chairman of the Trust desired to select his daughter as an Assistant Teacher.

3. The following factors, therefore, are glaring :-

[a] Shri Akbar Khan, an approved teacher, tendered a resignation on 01.02.2022.

[b] An advertisement to select a candidate in his place was published in a relatively unknown newspaper on 21.02.2022.

[c] The interviews were scheduled on 01.03.2022.

[d] A purported resolution dated 02.03.2022 mentions that the resignation of Shri Akbar Khan was accepted on 03.02.2022. The said resolution incorporates the minutes of a meeting held on 03.02.2022 stating that the resignation of Mr.Akbar Khan dated 02.02.2022 is accepted.

[e] Actually, the resignation is dated 01.02.2022, which was sent by Post.

[f] The father of the selected candidate was Head of the Selection Committee in his capacity of being the Chairman of the Educational Institution.

[g] All the above details were not produced before the Education Officer. There is no record placed before the Education Officer or even before this Court as to how many candidates have applied for this post, the proceedings of the Selection Committee, the allotment of marks and the record to indicate that the daughter of the Chairman had scored

highest marks.

4. Considering the above, it is obvious and as rightly submitted by the learned AGP, that this is a classic case of nepotism in selecting the daughter of the Chairman of the Institution.

5. In view of the above and in the absence of any record pertaining to the entire selection process, we do not find that the Education Officer has committed any error in refusing approval to the appointment of Petitioner no. 2.

6. As such, this petition, being devoid of merit, is dismissed.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)