

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8423 OF 2023

BALAJI MACHHINDRA DHANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Shri Kawade Ramraje D.
AGP for Respondents 1 to 3, 5 and 6/State : Shri S.B. Yawalkar
Advocate for Respondent 4 : Shri A.B. Kadethankar
...

CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.

DATE :- 02nd August, 2023

Per Court :-

1. On 31.07.2023, we had passed the following order:-
 - "1. *Issue is of deploying of teachers on election duties during working days, which is prohibited by the Hon'ble Supreme Court in Election Commission of India Vs. St. Marys School and others, 2008 AIR (SC) 655.*
 2. *Issue notice to the Respondents. The learned A.G.P waives service of notice on behalf of Respondent Nos.1 to 3, 5 and 6. Shri. Kadethankar, the learned Advocate waives service of notice on behalf of Respondent No.4.*
 3. *Since the schedule of "First Level Checking of EVM-VVPAT" would be concluding tomorrow, we are listing this petition on*

02/08/2023, with a caution that the District Collector, Osmanabad shall go through the judgment of the Hon'ble Supreme Court and ensure that, no teacher is deployed during working hours on working days in view of the directions of the Hon'ble Supreme Court.

4. *Stand over to 02/08/2023 for 'passing orders'."*

2. The learned AGP submits, on specific instructions received from Shri Narsing Jadhav, Respondent No.5, who is present in the Court, that the entire work of First Level Checking of EVM-VVPAT machines has been completed on 24.07.2023. Henceforth, considering the law laid down in ***St. Marys School (supra)***, the authorities would ensure that none of the teachers are posted on such election/ election related duties on any working day. Only in exceptional circumstances, they may be posted during non working hours. The signed communication from Respondent No.5 (undated) is taken on record and marked as "X" for identification.

3. In view of the above statement, the grievance of the Petitioner is redressed. **The Writ Petition is disposed off.**