

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13559 OF 2023

Vinod Ganpat Kahar & Ors.

... Petitioners

Versus

Maharashtra Tribal Public Society, through its
Member Secretary and Commissioner & Ors.

... Respondents

WITH
INTERIM APPLICATION (ST.) NO. 30124 OF 2023
IN
WRIT PETITION NO. 13559 OF 2023

Santosh M. Dukale & Ors.

... Applicants

In the matter between

Vinod Ganpat Kahar & Ors.

... Petitioners

Versus

Maharashtra Tribal Public Society, through its
Member Secretary and Commissioner & Ors.

... Respondents

Mr. R.M. Haridas a/w. Mr. Pratik B. Rahade for the petitioners.

Ms. Shruti D. Vyas, Addl. G.P. a/w. Ms. P.N. Diwan, AGP for the
State/respondent nos. 1 and 2.

Mr. Ashutosh Misra for respondent no. 4-UOI.

Mr. R.R. Shetty a/w. Mr Aditya P. Shirke, Mr. Vishal P. Shirke for the
applicant/intervenor.

Ms. Diksha Patil, Law Officer present.

CORAM: G. S. KULKARNI &
JITENDRA JAIN, JJ.
DATED: 03 November, 2023

P.C.

1. This petition is filed praying for the following reliefs:

“a) Issue an appropriate Writ/Order to quash and set aside the advertisement dated 01.09.2023/15.09.2023 issued by the Respondent No.1.

b) Issue an appropriate Writ/Order to consider the Petitioners for the post of Principal as by way of promotion in Eklavya Model Residential School as per the 25% quota provided in the Eklavya Model Residential School Recruitment Rules, 2023.

c) Issue an appropriate Writ/Order to direct the Respondent No.1 to promote the Petitioners to the post of Post Graduate Trained Teachers from the date when the Petitioners were eligible for the same and permit the Petitioner to apply for post of Principal as per Eklavya Model Residential School Recruitment Rules, 2023.

d) Issue an appropriate Writ/Order to restrain Respondent no. 1 from filling up the post of Principals as per the advertisement dated 01.09.2023/15.10.2023 issued by Respondent no. 1.

e) Pending the hearing and final disposal of the present Writ Petition, the Respondent no. 1 be restrained from filling up the post of Principals as per the advertisement dated 01.09.2023/15.09.2023 issued by the Respondent No.1.

f) Pending the hearing and final disposal of the present Writ Petition the Respondent No. 1 be restrained from publishing the schedule of examination as stipulated in the advertisement dated 01.09.2023/15.09.2023.

g) Ad-interim relief in terms of prayer clause (e) &/ or (f) may kindly be granted.”

2. We have heard Mr. Haridas, learned counsel for the petitioners, Ms. Vyas, learned Additional G.P. for respondent nos. 1 and 2, Mr. Misra, learned counsel for respondent no. 4 and Mr. Shetty, learned counsel for the intervenors. Respondent no. 3 though served is not represented.

3. After having heard learned counsel for the parties and having perused the record, we are of the opinion that at this stage, it would be appropriate that

the representations of the petitioners, which are made to the appropriate authority, be decided by the respondents as expeditiously as possible and within a period of four weeks from today after the petitioners are being heard. All contentions of the petitioners are expressly kept open.

4. We may clarify that we have not examined the larger issue which are placed for our consideration and it shall be considered as and when appropriate cause of action to the petitioners arises.

5. It is further clarified that the petitioners are also at liberty to file fresh representation to the appropriate authority.

6. Petition is disposed of. No costs.

7. Interim application would also not survive and it is accordingly disposed of.

(JITENDRA JAIN, J.)

(G. S. KULKARNI , J.)