

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION (WP) 3682/2010

1. Shri Nandkishor S/o. Janardan Ghulakshe
(Assistant Teacher) C/o. Swami
Vivekanand Vidyalay, Dawasa,
Tah. Narkhed, District- Nagpur.
2. Shri Yogesh S/o. Bhauraoji Lavhale
(Assistant Teacher) C/o. Swami
Vivekanand Vidyalay, Dawasa,
Tah. Narkhed, District- Nagpur.
3. Shri Dyaneshwar S/o. Domaji Mogare
C/o. Swami Vivekanand Vidyalay,
Dawasa, Tah. Narkhed, District- Nagpur.
4. Shri Sandeep S/o. Santosh Barde
C/o. Swami Vivekanand Vidyalay, Dawasa,
Tah. Narkhed, District- Nagpur
5. Shri Someshwar S/o. Garudev Sonare
C/o. Swami Vivekanand Vidyalay, Dawasa,
Tah. Narkhed, District- Nagpur. PETITIONER(S)

// VERSUS //

1. Dyandeep Bahuudeshiya Shaikshanik
Va Samajik Sanstha, through
its President,
Shri Ashok Tulsiram Sonare
Dawasa Tah. Narkhed, District- Nagpur.
(Amended as per Court's order dtd. 23.06.2016)
2. Education Officer (Secondary)
Zilla Parishad, Nagpur.
3. Shri Ashok s/o. Tulsiram Sonare,
Dyandeep Bahuudeshiya Va Shikshanik
Samajik Sanstha, Dawasa,
Tah. Narkhed, Distt. Nagpur.

4. Ku. S.B. Tatte
5. Shri. S.P. Bhoyar
6. Shri. P.R. Hood
7. Shri M.V. Wasnik
8. Shri. V.S. Thakre
9. Shri V.R. Wagh
10. Shri. P.V. Dalvi
11. Shri. G.M. Dahiwade
12. Shri. M. V. Pandey

All C/o. Dyandeep Bahuudeshiya
Shaikshanik Va Samajik Sanstha,
Tah. Narkhed, District Nagpur.

**(Amended as per Court's
order dtd. 12.11.2013)**

.... RESPONDENT(S)

Mr. Apurv De, Advocate for the petitioners
Mr. A.C. Dharmadhikari, Advocate for respondent 1
Mrs. K.S. Joshi, Addl. G.P. for respondent 2
Mr. Anand Parchure, Advocate for respondents 4 to 12

**CORAM : ROHIT B. DEO AND
Y.G. KHOBRAGADE, J.J.**

DATED : 17/02/2023

ORAL JUDGMENT : (PER:- ROHIT B. DEO, J.)

We have heard the learned Counsel appearing for the parties.

2. The petitioners are assailing the order dated 05.01.2010 whereby certain employees, who according to the petitioners were not even working with the School, are accorded approval.

3. We note that the prayer clauses are peculiarly worded to put it conservatively. The declaration which is sought is that order of the Education Officer which approved the appointments of other employees is not binding on the petitioners. We may candidly observe, that we have not yet understood the nature of the relief. However, if the petitioners are contending that the order impugned is illegal for whatsoever reason, it was further incumbent on the part of the petitioners to demonstrate that the order impugned has directly affected the rights of the petitioners. We have given anxious consideration to the averments made in the petition, and having done so, we do not find that sufficient foundation is laid to infer that by approving the appointments of the other employees, who are impleaded in the petition, the rights of the petitioners are prejudiced.

4. In any event, it is an admitted position that the appointments of the petitioners, even if it is assumed that the petitioners were working, are not approved, no steps appear to have been taken by the petitioners to challenge the inaction of the Management in submitting the proposal seeking approval. We are further informed by

the learned Counsel for the petitioners, Mr. De, that the petitioners are no longer in service, that the petitioners were terminated and the School Tribunal has allowed the appeal. If that be so, the remedy of the petitioners to enforce the order of the School Tribunal lies elsewhere. Reserving such liberty and remedy, we dispose of the petition.

(Y.G. KHOBRADE, J.)

(ROHIT B. DEO J.)