

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

Writ Petition No.1330 of 2019

Gramsewak Shikshan Prasarak Mandal, Bhamberi and others

Versus

State of Maharashtra and others

With

Writ Petition No.5526 of 2019

Jagruti Shikshan Prasarak Sanstha, Umarkhed, Umri, Akola and others

Versus

State of Maharashtra and others

*Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders.*

Court's or Judge's order

In both the writ petitions :

Shri S.D. Chande, Counsel for Petitioners.

Shri A.A. Madiwale, Assistant Government Pleader for Respondents.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : 19th JULY, 2023.

P.C. :

1. Rule. Rule made returnable forthwith and heard the learned counsel for the parties.
2. In these writ petitions, the petitioners seek a declaration that the appointments of the teaching staff members undertaken by the petitioners be recognized as valid and legal. A further prayer is made to direct the Deputy Director of Education as well as the Education Officer (Secondary) to grant approval to the appointments of the teaching staff members.
3. The learned counsel for the parties do not dispute that a similar issue was decided by this Court in Writ Petition No.5245 of 2018 (*Shikshan Prasarak Mandal, Wadegaon, Tah. Balapur, District Akola and others Versus Deputy Director of Education, Amravati Division, Amravati and another*) decided on 13-3-2023. They submit that similar directions that have been issued in the said writ petition could be issued in the present writ petition.
4. Accordingly for the reasons recorded in the judgment dated 13-3-2023 in Writ Petition No.5245 of 2018, the following order is passed :-

(i) The Education Officer or the Deputy Director of Education, as the case may be, shall consider or reconsider, as the case may be, the proposals seeking approval to the appointments of the petitioners – teachers on merits and in accordance with law.

(ii) The proposals shall not be rejected on the ground that the appointments are not made through Pavitra Portal system, if the appointments are made on the strength of interim orders of the High Court or during the period when the Pavitra Portal was not functional.

(iii) The proposals submitted by the Management, which were parties to Writ Petition No.4684 of 2017 and Writ Petition No.5059 of 2017 and/or connected matters, either individually or as the members of the petitioner – association, shall not be rejected on the ground that the appointments were made without seeking the permission of the appropriate authority. However, the Managements, which were not parties individually, will have to establish their membership of the petitioner – association.

(iv) The petitioners shall produce the copy of this order before the appropriate authority which shall take appropriate decision after hearing all the stakeholders including the intervenors, who may wish to be heard, within eight weeks from the production of the copy of this order.

5. Rule is disposed of in above terms with no order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR