

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

Writ Petition No. 3169 of 2022

(1) Data Minority Educational &
Welfare Organization, Akola,
Registration No. F-8880,
through its Secretary,
Zulfikar Nagar, Dabki Road,
Old City, Akola.

(2) Khwaja Garib Nawaj Urdu
Primary School, through
Head Master, Zulfikar Nagar,
Dabki Road, Old City, Akola.

.... Petitioners

..VERSUS..

(1) State of Maharashtra,
Government of Maharashtra,
School Education and Sports
Department, through Principal
Secretary, Mantralaya,
Mumbai - 400 032.

(2) Director of Education (Primary),
Maharashtra State, Central Building,
Pune – 411 001.

(3) Deputy Director of Education,
Amravati Division, Amravati.

(4) Education Officer, (Primary),
Zilla Parishad, Akola.

.... Respondents

Mr. M. V. Samarth, Senior Advocate with Mr. C. M. Samarth, Advocate for
the petitioners

Mrs. K. R. Deshpande, A.G.P. for respondents 1 to 3

Mr. A. N. Darunde, Advocate for respondent 4

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

DATED : 17-2-2023

ORAL JUDGMENT : (Per : Rohit B. Deo, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally with consent of learned counsel appearing for the parties.
3. The petition seeks twin reliefs and it would be apposite to reproduce substantive prayers :

“(a) Quash and set aside the letter dated 17/12/2021 issued by respondent No.2, Director of Education(Primary), Maharashtra State, Pune at Annexure “R” in the interest of justice.

(b) Direct the respondent No.2 Director of Education (Primary) Pune and respondent No.4 Education Officer (Primary), Akola to grant approval forthwith to the Staffing Pattern and sanction 18 additional teachers to the petitioner No.2 School, by appropriate writ, order and directions within a specific period as may be directed by this Hon’ble Court.”

4. At the very outset, learned Senior Counsel Mr. Samarth states that the petitioners are not pressing, for the present, that part of prayer (b) which seeks sanction of 18 additional teacher to the

petitioner 2 – school. The only issue which survives for the present is whether the Director of Education (Primary), Pune can be directed to approve the staffing pattern.

5. Respondent 4 – Education Officer (Primary), Zilla Parishad, Akola has placed on record communication dated 17-1-2023 addressed by respondent 4 to the Director of Education (Primary), Pune which recommends a particular staffing pattern. The communication is taken on record and marked as Exhibit 'A'.

6. Learned Assistant Government Pleader Mrs. Deshpande fairly states that the proposal which is submitted by the Education Officer (Primary), Zilla Parishad, Akola shall be duly considered on its own merits.

7. We accept the statement of learned Assistant Government Pleader Mrs. Deshpande and dispose of the petition by directing respondent 2 to decide the proposal dated 17-1-2023 (Exhibit 'A') within the next six weeks.

8. Needless to order in view of the direction to decide the proposal, Exhibit 'A', the order dated 17-12-2021 (Annexure 'R') will have to be quashed and we direct accordingly.

(Y. G. Khobragade, J.)

(Rohit B. Deo, J.)

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