



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.9129 OF 2021

**SANSKAR PRABODHANI PRASHALA SHIVSHANKAR
COLONY THROUGH ITS HEADMASTER
VS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Mr. Vitthal G. Salgare, Advocate for the Petitioner.
Mr. S. K. Shirse, AGP for Respondent Nos.1 to 5.

...

**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.**

DATED : 09th JANUARY, 2024.

P.C.

1. The petitioner-Education Institution by invoking the Constitutional powers of this Court challenges letter dated 07th December 2020 issued by respondent nos.1 to 3 and denial of the staff approval for two posts of Undergraduate teachers for 5th standard.

2. Heard learned Advocate Mr. Salgare for the petitioner and learned AGP Mr. Shirse for the respondent-State.

3. The learned AGP submits that he be granted time to file additional affidavit, but when the documents and the copy of petition was served on the respondents, we expect that affidavit-in-reply should address to the issue that has been tried to be raised by the petitioner. Already an affidavit-in-reply is filed. Therefore, his prayer cannot be allowed.

4. We have seen the impugned order/letter dated 7th December 2020, wherein it is simply said that as the number of students for the

year 2017-18 have increased, the posts cannot be increased as it has not been so granted to other schools in the State. In fact, what the petitioner is seeking is implementation of the Government Resolution dated 28th August 2015 and taking into consideration the number of students, which had taken admission in the school of the petitioner for 5th standard. It is trite that, the approval should be granted to the Undergraduate teachers. The impugned letter dated 7th December 2020 does not address the said fact in detail. The reason appears to be vague and, therefore, that order deserves to be set aside. However, at the same time the petitioner has submitted two representations i.e. first on 20th May 2021 and second on 14th June 2021 and it appears that, they are still pending with the respondents. The interest of justice requires that the direction should be given to respondent no.1 to consider the representations on its own merits within a stipulated period.

5. For the above observations, we pass the following order:-

ORDER

- a. Writ Petition stands partly allowed.
- b. The impugned communication dated 7th December 2020 stands quashed and set aside to the extent of clause no.(iv).
- c. The respondent no.1 to consider the representations dated 20th May 2021 and 14th June 2021 filed by the petitioner in tune with the Government Resolution dated 28th August 2015 and give decision on the same as early as possible not beyond two months from today.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE