



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 WRIT PETITION NO. 10263 OF 2022

1. Someshwar Shikshan Sanstha,
Ghatnandur, Through It's President
Dr Udhav Narharrao Shinde
age 46 years, Occ. Medical Practitioner,
R/o at Post Ghatnandur, Tq. Ambajogai,
Dist. Beed.
2. Digambar s/o Namdeo Fad,
age 53 years, Occ. Headmaster,
R/o At Post Ghatnandur, Tq. Ambajogai,
Dist. Beed.

Petitioners

Versus

1. The State Of Maharashtra
It's Secretary, Education Department,
Mantralaya, Mumbai – 32.
2. The Director Education,
Maharashtra State, Pune.
3. The Deputy Director of Education,
Aurangabad Region,
Bhadkal Gate, Aurangabad.
4. The Education Officer (Secondary),
Zilla Parishad, Beed.

Respondents

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Advocate for the Petitioner : Mr. Dambe Santosh S.
AGP for Respondents: Mr. S.K. Shirse
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**CORAM : SMT. VIBHA KANKANWADI &
S. G. CHAPALGAONKAR, JJ.**

Dated : February 23, 2024
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FINAL ORDER :-

1. By this Writ Petition, the petitioners seek directions to Respondent Nos.3 and 4 to grant permission to appoint the Teachers in one of their schools and it appears that, alternatively, they be directed to decide the applications submitted by the Petitioners to fill up posts of teachers in the School.

2. Heard both sides.

3. It can be seen that the Petitioners have come with a limited prayer and it appears that they have gone procedurally correct. By application dated 9.9.2019, 21.3.2022 and 1.5.2022 they had sought permission to fill up the vacant posts. They had informed the appropriate authority that sanctioned posts have become vacant and, therefore, they should be provided with the teachers, may be who have been declared as surplus or selected through 'Pavitra Pranali' and, ultimately, they have also sought permission then to appoint the teachers.

4. The learned AGP, on instructions, makes a statement that '*Pavitra Pranali*' have now made operational and choices have been entered and locked and it will take further Three (3) weeks time to make further scrutiny for the Government.

5. We are of the opinion that a School cannot be allowed to run without Teachers for a long period. In fact, in the present case, the Petitioners have waited for quite a long

period. Vacancy is in respect of teachers, who would teach Mathematics, Science, English, which are important subjects. We do not know taking into consideration the matters which are pending before this Court as to whether '*Pavitra Pranali*' would give the end result or not in a time bound manner. But, still when the choices are locked, we hope that the Government will do its best to complete the procedure, however, now the petitioners cannot be left out and asked to wait. Hence, with the above observations, we **dispose off** the Writ Petition on following conditions :-

“The Respondents to provide the Teachers to the Petitioner’s school as per requisition dated 1.5.2022 either through “Pavitra Pranali” and/or from the List of Surplus Teachers within a period of 3 (Three) Months from today, failing which the petitioners would be permitted to fill up the vacant posts from open market.”

(S. G. CHAPALGAONKAR, J.) (SMT. VIBHA KANKANWADI, J.)

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aaa/-