

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO. 13187 OF 2022

ANIL DINKAR KANTHALE

VERSUS

STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

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Advocate for the Petitioner : Ms. Sumedha C. Thombre h/f Mr.
Thombre Chandrakant V.

AGP for Respondents/State : Mr. P.S. Patil

Advocate for Respondent No. 2 : Mr.Suryawanshi Prashant D.

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CORAM : SMT. VIBHA KANKANWADI &
S.G. CHAPALGAONKAR, JJ.

DATE : 08th MARCH, 2024.

PER COURT :

1. Learned AGP for respondents/State is pointing out the Government Resolution dated 07.03.2024, which is stated to be the outcome of the order passed in Writ Petition No. 1182 of 2024 at the Principal Seat, Bombay. The said Government Resolution is regarding constituting committees for the redressal of various grievances of teaching and non teaching staff of the Private Schools and the Managements with the State

Government. It appears that the Government issued said resolution to streamline the procedure for consideration of proposal for approval submitted by the Management, more particularly providing that before passing final order, an opportunity be given after informing proposed grounds of rejection, if any, to one who submitted the proposal.

2. Perusal of the Government Resolution dated 07.03.2024 would show that the Committees have been constituted for Primary and Secondary Schools. The constitution of the Committees is by Divisional Deputy Director of Education as president and Principal Secretary would be the Junior Administrative Officer/Superintendent of Divisional Deputy Director of Education. Similarly, as regards the Higher Secondary Schools, the Committee consists of Divisional President of H.C.C. and S.C.C. Board as President and Principal Secretary would be the Divisional Secretary of the State Board. Another committee is also constituted for Higher Secondary School, which will take up other matters than the appeals. It appears that the said Government Resolution makes a provision as to which subjects can be taken up before the Committees.

Paragraph No. 5 of the said resolution is read as under :

“1. Matters of the refusal of individual approvals of the teaching and non-teaching staff.

2. Matters of refusal of the transfers of the teaching and non-teaching staff.

3. Matters of refusal of appointment on compassionate ground.

4. Dispute over the appointment of staff pertaining to eligibility.

5. Matters of refusal of SHALARTH id.

6. Matters of refusal of converting part-time posts of higher secondary teachers into full-time posts.

7. Matters of upgrading of posts of part-time librarian into full-time librarian.

8. Matters wherein the Auditor [Education] has refused for pay verification, increment and payscale

9. Complaint/dispute over the workload;

10. Complaint/dispute over the pension and pensionary benefits;

11. Dispute regarding termination of service due to cancellation of posts;

12. Adjustment of the staff rendered excess due to cancellation of posts/reduction of posts.

13. Complaints over the violation of the rules for rendering the staff as excess due to cancellation of posts/reduction of posts.

14. Complaints against the order refusing the condonation of break in service.”

(As translated by the Senior translator and interpreter of this Court.)”

3. The procedure for filing of complaint/appeal and how the hearing is to be taken place has also been provided. It also states that said Committee will have the powers even to grant interim orders. The Committee would also take follow up and see the decisions are implemented. Therefore, as on today it appears that a comprehensive Government Resolution has been passed to streamline the procedure for the subjects mentioned in the Government Resolution.

4. When the said Government Resolution is pointed out to the learned Advocate for the petitioner, the learned Advocate for the petitioner submits that the petitioner was approached before the Committee which was constituted. In view of the said submissions the petitioner is allowed to withdraw the petition,

with liberty to approach the Committee which has been constituted by the resolution dated 07.03.2024.

(S.G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

mahajansb/