

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12801 OF 2023

Laxmidevi Shikshan Prasarak Mandal

Thr Chairman And Anr

...Petitioners

Versus

State Of Maharashtra and Ors

...Respondents

Mr. Rahul S. Kadam for the Petitioners.

Mr. Vikas M. Mali, AGP for the Respondent Nos. 1 to 3-State

CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.

DATED : 2 JULY 2024

P.C.:

1. Heard learned Counsel for the parties.
2. Considering the order that we propose to pass, which will not be dealing with the merits of the Petitioners' case and since we propose to give an opportunity of being heard to the Petitioners as well as private Respondent, notice to the Respondent No. 4 is not necessary.
3. The Petitioner No. 1-Educational Institute along with the Petitioner No. 2-School are jointly challenging the orders dated 25 August 2023 passed by the Respondent No. 2-Deputy Director of Education, Pune Region, Pune and the order dated 25 April 2022 passed

by the Respondent No. 3-Education Officer (Secondary), Zilla Parishad, Solapur.

4. By the impugned order dated 25 April 2022, the appointment of the Respondent No. 4 made on compassionate basis as peon has been approved and by the impugned order dated 25 August 2023, the name of the Respondent No. 4 is directed to be included in the Shalarth Pranali.

5. Learned Counsel for the Petitioners pointed out from both the impugned orders that there is no reference to any proposal sent by the Petitioners-Institute or School and as such in essence, the appointment of the Respondent No. 4 is approved and his name is directed to be included in the Shalarth Pranali without Petitioners' proposal.

6. Perusal of the impugned orders indeed show that they do not make any reference to the proposal/s by the Petitioners. Petitioners have also filed an Appeal before the Respondent-Deputy Director of Education on 5 April 2023, which is pending.

7. In the facts and circumstances narrated above, we find it appropriate that the dispute be looked into by the Respondent No. 2- Deputy Director of Education, Pune Region, Pune after hearing and giving opportunity to both the Petitioners and the Respondent No. 4.

8. Hence, we pass the following order:

(a) This Petition be treated as a representation of the Petitioners to the Respondent No. 2 – Deputy Director of Education, Pune

Region, Pune, who is directed to consider the same alongwith the Petitioners' pending Appeal.

(b) The Respondent No. 2 will give notice of hearing to the Petitioners as well as the Respondent No. 4 and after hearing them and giving them opportunity of being heard, shall pass an appropriate order in accordance with law, within a period of 8 weeks from communication of this order.

(c) It is clarified that we have not expressed any opinion on the merits of the matter and rival contentions of the Petitioners and the Respondent No. 4 are kept open.

9. The Petition is disposed of in above terms.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)