

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10776 OF 2023

Naigaon Education Society and Anr. .. Petitioners
Vs.
The State of Maharashtra,
Through Higher and Technical Education Dept. & Ors. .. Respondents

Mr. Laxman S. Deshmukh, i/by Mr. Ranjeet H. Patil, Advocates for the Petitioners.

Mr. N.C. Walimbe, Addl. G.P., with Ms. Kavita N. Solunke, Asst. G.P., for the Respondent-State of Maharashtra.

Mr. Rajendra Anbhule, Advocate for Respondent No.4.

Mr. Ravindra Patil, Respondent No.6, is present in person.

**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ**

DATE : 18TH APRIL, 2024.

PC. :

1. The learned counsel for the petitioners submits that in view of the approval granted to the appointment of the teachers by the respondent no.4-University on 11th March 2024, prayer clause (c) now does not survive. He submits that the proposal dated 30th May 2023 that has been moved seeking issuance of no objection for undertaking recruitment for the post of 'Lecturers' is pending with the Joint Director of Higher Education. The same may be directed to be considered. The learned Additional Government Pleader however submits that in view of pendency of various Change Reports before the Charity Commissioner, that proposal has not been considered.

2. We find that pendency of the Change Reports by itself cannot be a reason for not considering the proposal. The proposal can be considered on its own merits and it is always open for the Joint Director of Higher

Education to make that adjudication subject to outcome of the Change Reports.

3. In view of the aforesaid, the respondent no.3-Joint Director of Higher Education is directed to consider the aforesaid proposal dated 30th May 2023 on its own merits after hearing all concerned parties and decide the same within a period of eight weeks from the date of receipt of a copy of this order. The petitioners to serve a copy of this order on the respondent no.3.

4. With aforesaid directions, the writ petition is disposed of.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]