

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7917 OF 2023

Sanjeevani Shikshan Prasarak Mandal & Anr. ...Petitioners

Versus

The State of Maharashtra,
through the Secretary, School Education
Department & Ors.

...Respondents

Mr. Vinayak Kumbhar i/b. Ms. Ashwini Bandiwadekar for the
Petitioners.

Mr. N. C. Walimbe, Addl. G. P. a/w. Ms. A. R. Deolekar, AGP for the
Respondent (State).

CORAM : A. S. CHANDURKAR,
JITENDRA JAIN, J.J.

DATE : 23rd FEBRUARY 2024.

P.C. :-

1. Heard.
2. The challenge raised in this Writ Petition is to the communication dated 12th June 2023 issued by the Education Officer (Secondary) thereby stating that the steps taken by the Petitioners for filling up the vacant post were not in accordance with the prescribed procedure. For that reason, it has been stated that the advertisement issued on 6th June 2023 was contrary with the procedure.
3. Having heard learned counsel for the parties and having perused the documents on record, we find that the Petitioners intend to

undertake recruitment with a view to fill in the vacant post at the Petitioner No.2-School. It has been unable to do so in view of the impugned communication. Since the Education Officer (Secondary) has stated that as per the Circulars dated 23rd June 2017 and 28th June 2018, recruitment has to be undertaken through the Pavitra Portal, the following order would serve the ends of justice:-

- (a) Within a period of two weeks from today, the Petitioners shall make a fresh application seeking permission to undertake recruitment at its School.
- (b) The Respondent No.2 shall within further period of 15 days of receiving such application decide the same in accordance with law.
- (c) In case permission is granted, the Petitioners are free to take further steps in the matter. In case such permission is refused, the Petitioners are free to challenge the same in accordance with law.

4. Writ Petition is disposed of with the aforesaid directions.

[JITENDRA JAIN, J.]

[A. S. CHANDURKAR, J.]