

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.10942 OF 2024
IN
WRIT PETITION NO. 11311 OF 2022

Suresh Bhimappa Huli and ors ...Applicants

In the matter between :

Sharmila Dhanapal Nandre and ors ...Petitioners

Versus

The State of Maharashtra and ors. ...Respondents

Mr Devashish Godbole i/b. Ms. Shivanjali M. Mane for the Applicants in
IA/10942/2024.

Mr. Datta H. Pawar for the Petitioners.

Ms. Pooja Joshi Deshpande, AGP for Respondent No.1.

Mr. Sidheshwar N. Biradar for Respondent Nos.2 and 3.

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

DATE : 28 AUGUST 2024

P.C.:

1. Heard learned counsel for the parties.
2. This Intervention Application is filed on behalf of 35 primary school teachers for intervention in this Writ Petition in view of the interim order granted by this Court on 27 March 2023.

3. Writ Petition concerns the post of Kendra Pramukh / Centre Head in the District Kolhapur. The process of the selection of Kendra Pramukh is being carried out by the Zilla Parishad, Kolhapur. Post of Kendra Pramukh was introduced by way of amendment in the Maharashtra Zilla Parishad District Services (Recruitment) Rules 1967. These Rules were amended in the year 2014 and thereafter, the procedure was also prescribed by the Government Resolution dated 16 February 2018 and subsequent Government Resolutions. The appointment to the post of Kendra Pramukh is by way of nomination, departmental examination and promotion. For the purpose of promotion, appointments are to be made on the basis of seniority from amongst who have completed not less than 3 years of continuous service on the post of graduate trained school teacher (primary school teachers from Zilla Parishad).

4. Petitioners had filed Writ Petition in this Court bearing Writ Petition No.4688 of 2022 which was disposed of by order dated 26 August 2022 directing the Respondent – Zilla Parishad to take a decision on the representation of the Petitioners. Thereupon an order was passed by the Education officer on 6 January 2022. The Education Officer stated that the clarification was sought from the State Government on 5 July 2021 which is awaited and the representation was rejected. Thereafter, the present Petition was filed challenging the order dated 6 January 2022 and for further direction to appoint the Petitioners on the post of Kendra Pramukh.

5. Despite various directions to file reply, no reply was filed, ultimately by order dated 27 March 2023, the Division Bench stayed the recruitment process of appointment. It is this order of stay to the selection process that has led to Application for intervention.

6. According to the Petitioners, the seniority list has already been prepared and all that remains is to direct the appointment of the Petitioners as per the said list. This fact is disputed by the Respondent – Zilla Parishad stating that the Petitioners have not completed three years period from the date of appointment of 31 August 2021 and they will be eligible on 1 September 2024. It is also stated that around 6837 primary school teachers in Zilla Parishad Kolhapur have completed more than 10 years of service. Intervenors claim to be senior to the Petitioners.

7. Apart from the above debate between the Petitioners and Zilla Parishad, even going by the stand of the Zilla Parishad, the Petitioners would become eligible on 1 September 2024 upon completion of three years of period as per the Rules as modified as the promotion would be by way of seniority. Therefore, the process of appointment to the post of Kendra Pramukh will have to be carried out by the Respondent – Zilla Parishad as per the seniority of the eligible candidates.

8. Since even according to the Respondent–Zilla Parishad, the Petitioners would become eligible post 1 September 2024, the Zilla Parishad will carry out the process after 1 September 2024 as per the seniority of all the eligible teachers and appoint them to the post of

Kendra Pramukh. This course of action cannot prejudice any party as all that we would direct is to complete the selection process following the Rules amongst the eligible candidates.

9. In the light thereof, the Respondent – Zilla Parishad is permitted to commence the process of appointment to the post of Kendra Pramukh which has been stayed by the order of this Court, if no other impediments exists, as per the governing Rules as amended and clarified by the Government Resolution from time to time, from the class of eligible teachers as per the seniority. The Zilla Parishad will commence the process of appointment from 2 September 2024 or any other date post thereafter when the Petitioners would have completed three years and complete the same within a reasonable period. The rights of teachers aggrieved by the result of the selection process to take recourse of court of law is kept open.

10. Writ Petition stands disposed of in the above terms.

11. In view of the disposal of Writ Petition, Interim Application stands disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)