



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1686/2024

(LOK SHIKSHAN MANDAL, HINGANGHAT & ANOTHER **VERSUS** STATE OF MAHARASHTRA
& ANOTHER)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri M.R. Johrapurkar, counsel for the petitioners.

Shri M.K. Pathan, Assistant Government Pleader for the respondents.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : MARCH 11, 2024

The petitioner was superannuated as Headmaster on January 31, 2024.

2. Pursuant to Rule 17(2) of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, an order of re-employment came to be issued thereby appointing the petitioner with effect from February 01, 2024 till the end of Academic Session.

3. *Vide* the impugned order, the Education Officer (Secondary) has rejected the prayer for grant of approval to the re-employment of the petitioner alleging that the Government Resolution dated November 09, 1995 does not permit such re-employment and the same is not permissible also on the ground of existing policy.

4. The fact remains that *prima-facie* we are of the view that Rule 17(2) of the Rules of 1981 carves out an exception to the existing policy of not granting the re-employment post retirement. In that view of the matter, issue notice to the respondents indicating that the petition shall be taken up for final disposal at the admission stage, returnable on March 26, 2024.

5. Learned Assistant Government Pleader Shri M.K. Pathan waives service of notice for the respondents.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)