

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10871 OF 2024

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|---|---|----------------|
| 1. Sanjeevani Shikshan Prasarak Mandal, |] | |
| At Sindur, Tal. Jath, Dist. Sangli |] | |
| 2. Veer Sindur Laxman High School, |] | |
| At Sindur, Tal. Jath, Dist. Sangli |] | .. Petitioners |
| <i>Versus</i> | | |
| 1. The State of Maharashtra, |] | |
| Through School Education Department |] | |
| 2. The Education Officer (Secondary), |] | |
| Zilla Parishad, Sangli |] | |
| 3. The Deputy Director of Education, |] | |
| Kolhapur Region, Kolhapur |] | .. Respondents |

Mr. Amit Sale, Advocate for the Petitioners.

Smt. G.R. Raghuwanshi, Assistant Government Pleader for the Respondents.

CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ

DATE : 13TH MARCH 2025.

PC. :

1. The petitioner no.1, a Public Trust registered under the provisions of the Maharashtra Public Trusts Act, 1950, is running the petitioner no.2-School. It has approached this Court with a prayer that the respondent no.2 – Education Officer (Secondary), Zilla Parishad, Sangli should either provide for names of surplus teachers available for filling-in the vacancies or grant permission to undertake recruitment from the Pavitra Portal.

2. By earlier orders passed in the writ petition it transpired that the petitioners were called upon to submit the roster to the Education Officer (Secondary) to enable him to take further steps in the matter. On 10th February 2025, the Education Officer (Secondary) conveyed the Institution's code number as well as registered phone number stating therein that the petitioners could undertake further process under the Pavitra Portal by logging-in on the basis of these numbers. It however appears that the rival group also approached the Education Officer (Secondary) submitting different roster copies. Hence, further steps could not be taken in the matter.

3. We find that the issue pertains to filling-in vacancies from the Pavitra Portal. The dispute between the two factions of the Management cannot be a reason not to permit such recruitment. Suffice it to observe that steps taken by the present petitioners for filling-in the vacancies would be without prejudice to the rights and contentions of the rival groups. In other words, this exercise as permitted to be undertaken will not be to the advantage of the petitioners only for that reason.

4. By clarifying that the rival groups including the petitioners are free to have their rights adjudicated before the Charity Commissioner, the writ petition is disposed of by directing the Education Officer (Secondary) to take further steps in accordance with the communication dated 10th

February 2025. The same is taken on record and marked “A” for identification. The allotment of the Unique Code Number as well as acceptance of the phone number is also without prejudice to the rights and contentions of the rival groups.

5. Since it is informed that steps to the Pavitra Portal are required to be taken by 15th March 2025, the Education Officer (Secondary) to take necessary steps accordingly.

6. Parties to act on authenticated copy of this order.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]