

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6308 OF 2024

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Kharepathan Panchkroshi Shikshan Prasarak Mandal ... Petitioners
and Anr.

Versus

The State Of Maharashtra Through The Secretary ... Respondents
And Ors.

.....
Mr. Y.B. Lengare (through VC) a/w Ms. Vaishnavi B. Shelke for the
Petitioners.

Mr. Saurabh Pakale a/w Mr. Onkar Ghatage i/b Padmaja Malgaonkar for
Respondent No.3.

Mr. A.P. Vanarase, AGP for the Respondent - State.

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CORAM : MADHAV J. JAMDAR &
PRAVIN S. PATIL, JJ.

DATE : 13th MARCH, 2026.

ORAL ORDER : (Per Pravin S. Patil, J.)

1. Heard.

2. The Petitioner – Institute has approached before this Court with a
prayer that the Government Resolution dated 9th November 2023 and
Corrigendum dated 4th December 2023 be quashed and set aside to the
extent of declaring additional post as a surplus and further be pleased to

direct the Respondent No.1 to sanction the additional post in the Petitioner No.2 Junior College from the year 2013-14.

3. After hearing the parties in the matter, it is clear that in the present case, for the academic session 2013-14, the workload of the subjects Marathi, Economics and Environment was available in the School. According to them, in view of this availability of workload, one full time post can be sanctioned to the School and, therefore, the proposal was forwarded to the Deputy Director of Education on 7th October 2013.

4. It is further pertinent to note that before forwarding this proposal, the Petitioner Management has appointed Respondent No.3 as a Junior College Teacher in the subjects Marathi and Economics, vide appointment order dated 7th July 2013.

5. It is also pertinent to note that though this proposal was forwarded on 7th October 2013, no document is placed on record to establish that after 2013 the Management has taken any efforts to see that the proposal, which was forwarded to the Deputy Director of Education is moved further or not. So also, this Respondent No.3 was continued in the employment of Petitioner for considerable period.

6. In the meantime, the State Government has framed the Policy vide its Government Resolution dated 9th November 2023 as well as by Corrigendum dated 4th December 2023 stating that the employees who during the academic session 2003-04 to 2010-11 are working on the proposed sanctioned post should be declared as a surplus and they should absorb in the other Schools. According to that Policy, the Respondent No.3 was absorbed in the Respondent No.5 – School.

7. The Petitioner after declaring the Respondent No.3 as surplus and his absorption in Respondent No.5 School approached before this Court, challenging the Government Policy stating that as the proposal was forwarded by them and same is not decided by the Deputy Director of Education, the Government Resolution to the extent of declaring the Respondent No.3 as a surplus, be quashed and set aside in the matter.

8. In the present case, it will be necessary to record the fact that proposal which was forwarded by the Petitioner Management is of year 2013. No document is placed on record to substantiate the fact that after 2013 any efforts were taken by the Petitioner Management to pursue their cause. It is also relevant to note that the proposals are always required to be submitted through proper channel to the Director of

Education and if those proposals are not decided by that authorities, the Management is always at liberty to make a grievance before the authorities to see that their proposals should be decided. Recently, the Government has taken care by making the appointment of Commissioner of Education to consider all the grievance of the Educational authorities. However, from the record, it is clear that the Petitioner Management since year 2013 did not take any efforts to decide their proposal.

9. At the same time, it is also pertinent to note that the Deputy Director of Education, to whom proposal was forwarded has failed to take any decision in the matter and allowed Management to continue the Respondent No.3 on proposed vacant post till the issuance of Government Resolution dated 9th November 2023 and Corrigendum dated 4th December 2023.

10. In the circumstances, in our opinion it will be proper that in the peculiar facts and circumstances of the matter, the Petitioner Management be permitted to make a proper and detailed representation to the Educational authorities through proper channel and if such representation is made by the Petitioner, the same should be considered by the authorities within a stipulated time period.

11. The learned AGP who is appearing for Respondent Nos. 1 and 2 made a statement that if such proposal is forwarded by the Petitioner Management, same will be considered positively within a stipulated time period by them.

12. In the circumstances, the Petitioner is directed to make a proper and substantive representation to the Director of Education within a period of 15 days from today and Director of Education after receipt of the said proposal, should decide the said proposal within a period of 8 weeks.

13. All the issues raised in the petition and reply by both the parties in the matter are expressly kept open.

14. With this direction, the Writ Petition is disposed of. No order as to costs.

15. In view of the disposal of the Writ Petition, pending Interim Application, if any, is stands disposed of.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]