



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 492 OF 2024

1. Mahatma Fule Shikshan Va
Bahuuddeshiya Shikshan
Sanstha, Jambhora
through its President,
R/o. Jambhora, Tq. Sindkhed Raja,
Dist. Buldhana.
2. Swami Samarth Junior Arts and
Science College, Jambhora,
through its Principal,
R/o. Jambhora, Tq. Sindkhed Raja,
Dist. Buldhana.
3. Tukaram Parasram Kharat
Age - 43 years, Occ. Service,
4. Mangesh Balasaheb Kharat,
Age - 32 years, Occ. Service,
5. Pravin Sahebrao Kharat,
Age- 28 years, Occ. Service,
6. Ganesh Sambhuji Jeiwal
Age-40 years, Occ. Service,
Petitioner No. 3 to 6 R/o. C/o. Swami
Samarth Junior Arts and Science
College, Jambhora, Tq. Sindkhed
Raja, Dist. Buldhana.

...PETITIONERS

VERSUS

1. State of Maharashtra
through it's Secretary,
School Education and Sports
Department, Mantralaya, Mumbai,
Tq. & Dist. Mumbai.
2. Deputy Director of Education,
Amravati Division, Amravati
Office at Tope Nagar, Amravati
Tq. & Dist. Amravati.

...RESPONDENTS

Shri R.D. Karode, Advocate for petitioners
Shri H.D. Futane, AGP for the respondents/State

CORAM : **SMT. M.S. JAWALKAR AND**
NANDESH S. DESHPANDE, JJ.
DATE : **05.01.2026**

ORAL JUDGMENT (PER : NANDESH S. DESHPANDE, JJ.)

Heard.

2. **Rule.** Rule is made returnable forthwith. Heard finally by the consent of the parties.
3. We have heard Shri R.D. Karode, learned Counsel for the petitioner, and Shri H.D. Futane, learned Assistant Government Pleader for the respondents/State.

4. The petition initially challenged order dated 27.03.2023, whereby the respondent No.2 rejected the proposal for including the non-teaching staff from the benefit of grant-in-aid provided by the State Government. The petition was subsequently amended thereby challenging the order dated 03.08.2023, by which the proposal with respect to petitioner Nos. 3 to 6 for approval is rejected.

5. The learned Assistant Government Pleader submits that an opportunity was granted to the petitioner to cure the deficiencies which were not done, and therefore the authority, i.e., the Deputy Director Amravati Division, Amravati, did not commit an error in rejecting the proposal for staffing pattern. However, on the other hand, as contended by the learned Counsel for the petitioner, the deficiencies were never known to the petitioner. He further submits that, had the deficiencies were known to the petitioner, he would have certainly made efforts to cure the deficiencies and to satisfy the authority.

6. We have perused the material on record. In view of the rival contentions raised by the learned Counsel for the respective parties, we are of the view that the interest of justice would be served if we

direct the respondent No.2 to reconsider the matter by giving an opportunity to the petitioners to cure the deficiencies, after considering the material filed by him, in support thereof. We therefore, dispose of the petition with the following directions :

i) The respondent No.2, Deputy Director of Education, Amravati Division, Amravati, is directed to reconsider the proposal dated 18.07.2023 of the petitioners preferably within four weeks from the date of the receipt of the order.

ii) The petitioner to apprise the respondent No.2 of the order of this Court by appearing before the authority on 13.01.2026.

7. The petition is disposed of accordingly.

8. All the rival contentions are kept open.

9. Rule accordingly. No order as to costs.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)

Jayashree..