



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

WRIT PETITION NO. 4803/2017

Magas Vargiya Sushikshit Bekar Education Society
Vs.
The State of Maharashtra, Through its Secretary, Social Justice
Department and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.A. Kalbande, Advocate for petitioner
Mr. N.H. Joshi, AGP for Respondent Nos.1 to 3

**CORAM: URMILA JOSHI PHALKE AND
NIVEDITA P. MEHTA, JJ.**

DATED : 15.04.2026

1. Heard learned counsel for the petitioner as well as learned AGP for the respondents – State.

2. By this petition the petitioner is claiming direction to the respondents to grant sanction of seven additional posts and extend approval to the staff members appointed by the petitioner as per the staffing pattern dated 18.08.2004.

3. The learned AGP for the respondents-State has pointed out that in similar *Writ Petition No. 6956/2014 (Sardar Patel Shikshan Prarasarak Mandal Vs. The State of Maharashtra and others)* of Aurangabad Bench, decided on 12.02.2026, the petition is disposed of treating it as infructuous in view of the communication regarding decision taken by the

Government dated 07.10.2024. He also pointed out that the judgment passed by the Aurangabad Bench of this Court in *Writ Petition No. 9188/2013 (Maharana Pratap Shikshan Sanstha Vs. The State of Maharashtra and others)* decided on 22.03.2018. He further submitted that, in view of the above, the petition should be disposed of, as similar petitions have already been disposed of by the Coordinate Bench at Aurangabad.

4. The learned counsel for the petitioner submitted that the petitioner, if submitted fresh proposal with the respondents-State and respondents be directed to consider the same afresh. He also invited our attention towards the communication dated 04.06.2019 and also orders passed in Writ Petition Nos. 5714/2004 and 5727/2004, wherein also, Aurangabad Bench has considered that the speaking order was passed in view of the statement, which is reproduced as under :

“4. This Court on 02.12.2004, had passed a speaking order by virtue of which the Respondent No.3 granted provisional approval. The appointments were made pursuant to the directions of Respondent No.2 only. It was not the fault of the petitioner and as per the number of students, the petitioner was required to appoint the said teachers.”

4. In view of the abovesaid submissions, it would be appropriate, if the petitioner submitted fresh proposal for according sanction to seven posts, the respondents shall consider the same on its own merits. The respondents shall consider whether the petitioner is entitled for the said relief and if the petitioner is eligible, the respondents shall consider the said proposal and take appropriate decision on its own merits within eight

weeks from today. With these directions, the writ petition is disposed of.

(NIVEDITA P. MEHTA,J.)

(URMILA JOSHI PHALKE, J.)

MP Deshpande