

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1460 OF 2015

PRABHAKAR LOBHAI KAWALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. P. D. Bachate
AGP for Respondent Nos. 1 to 3 : Smt. S. A. Dhumal
Advocate for respondent Nos. 4 to 6 : Mr. S. S. Deshmukh

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 10th JUNE, 2015

PER COURT :-

1. We have heard the learned counsel for the petitioner. The learned counsel submits that the advertisement dated 30.01.2015 is illegal as respondent Nos. 5 to 7 do not have any authority to recruit employees of the school and they are not in the management. The petitioner is a trustee of respondent No. 4 Sanstha. According to the learned counsel, no permission is sought from the authority before issuing the said advertisement and Illegalities are committed. As such, the advertisement deserves to be set aside.

2. Mr. Deshmukh, learned counsel for respondent submits that the petitioner is not concerned with the management of respondent No. 4 Sanstha and respondent No. 5 School. The Change Report filed by them is rejected. Respondent Nos. 6 and 7 are in the

management.

3. Who is in the management of the said Sanstha, whether the Change Reports are proper or not, would be considered in the Revision Petition No. 96 of 2014 filed under the Maharashtra Public Trust Act. The litigation is pending and the same would not be within the purview of jurisdiction this Court to decide the same, more particularly, in the wake of dispute pending under the provisions of the Maharashtra Public Trust Act.

4. The appointment of teachers is being made. It is for the Education Officer to consider the qualification of the persons appointed the adherence to the proper procedure being followed at the time of appointment. The Education Officer has not passed any order regarding approval. The persons interested can always put forth the grievance before the Education Officer at the time of considering the proposal by the Education Officer seeking approval to the appointment of the persons appointed.

5. Writ Petition accordingly, stands disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

rlj/-