

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3983/2014

Sarika D/o Vasantrao Late
Age 30 years, Occu-service
R/o Majalgaon, Tq. Majalgaon
Disst.Beed.

..PETITIONER

Versus

- 1] The State of Maharashtra
Through the Secretary
School Education Department
Manatralaya, Mumbai
- 2] The Secretary
Maheshwari Shikshan Prasarak
Sanstha Majalgaon
Tq.Majalgaon, Dist.Beed
- 3] The Education Officer(Primary)
Zilla Parishad Beed
Dist.Beed
- 4] In-Charge Head Master
Varad (Rajasthani) Primary
School Majalgaon
Tq.Majalgaon, Dist.Beed

..RESPONDENTS

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Mr. S.M.Vibhute,Adv. for petitioner
Mr. G.K.Thigale,AGP for State.
Mr.S.S.Manale,Adv. for R.2.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.**

DATE : 5th January, 2015.

P.C. :

Mr.Vibhute, learned counsel for the petitioner submits that the Education Officer time and again directed respondent-management to forward the proposal of the present petitioner for the post of Head Master as the petitioner is the seniormost teacher. The management did not abide by said directions of the Education Officer and the Education Officer subsequently considering the fact that the petitioner is seniormost teacher granted approval to the petitioner for the post of Head Master. However, the respondent-management is not allowing the petitioner to function as Head Master though the petitioner is the seniormosst teacher in the school.

2] Mr.Manale, learned counsel submits that the Education Officer cannot grant any approval to present petitioner unless the proposal is forwarded by the management. In the present case, management has not forwarded proposal of the petitioner to Education Officer, as such the Education Officer could not have granted approval to the petitioner as Head Master of respondent-institution.

3] We have considered submissions canvassed by the learned counsel for respective parties. It is for the management to appoint Head Master and to forward proposal seeking approval to the appointment of particular person as Head Master. No doubt the

communication is placed on record wherein the Education Officer has asked the management to forward proposal of the petitioner for the post of Head Master being seniormost teacher. The Education Officer could not have directly granted approval without there being any proposal.

4] Considering the above, we pass following order :

A] The respondent-management shall forward the proposal of the qualified person for the post of Head Master to the Education Officer considering the seniority and other relevant aspects within a period of four weeks from today.

B] Writ Petition is accordingly disposed of. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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