

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

WRIT PETITION NO. 5891 OF 2015

VIJAYA JYOTIRAO JADHAV
VERSUS
CHALISGAON EDUCATION SOCIETY, JALGAON AND
OTHERS

...
Advocate for Petitioner : Mr.Sangeet L.V.
AGP for Respondents: Mr.K.N. Lokhande.
Advocate for Respondents : Mr.Patil Pradip R. for R/2,
Mr.Godbole R.J. for R/1.

...
CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: NOVEMBER 20, 2015

...
Heard learned Counsel for the parties.
Learned Counsel for the petitioner invited our
attention to various documents placed on record
and also relevant Rules and the Schedule under
Maharashtra Employees of Private Schools Rules,
1981 and submits that the petitioner is entitled to
be appointed as Head Mistress of A.B. Girls High
School, Chalisgaon, District Jalgaon. He further
invited our attention to the fact that, though the
representation has been filed with the
management, yet the management has not taken
any decision about appointing a full-fledged Head

Mistress on the aforesaid school.

2 The learned Counsel for the respondent No.2 submits that the respondent No.2 was working as Assistant Head Mistress and she is senior to the petitioner and therefore, she has been rightly appointed as Head Mistress. He, therefore, submits that, the petition may be rejected.

3 We have heard learned Counsel for the petitioner, learned Counsel for respondent No.2 and learned AGP for the State. With their able assistance, perused pleadings in the petition, grounds taken therein, annexures thereto and more particularly, representation addressed by the petitioner to the management, of which copy has been forwarded to the Education Officer (Secondary), Zilla Parishad, Jalgaon.

4 In our opinion, when there is no appointment of full-fledged Head Mistress inasmuch as, approval granted to the respondent No.2 is as in-charge Head Mistress.

5 In that view of the matter, we deem it appropriate to direct the Education Officer (Secondary), Zilla Parishad, Jalgaon to hear the petitioner, respondent No.2 and also the management including any other party likely to be

affected and take a decision about the issue of appointment of a full-fledged Head Mistress on the said school, keeping in view the M.E.P.S. Rules, 1981 and the material which will be produced by the parties before the Education Officer, as expeditiously as possible; however, within eight weeks from today.

Needless to observe that, we have not expressed any opinion on merits of the matter and it is left to the Education Officer (Secondary), Zilla Parishad, Jalgaon to take a decision, in accordance with the law, M.E.P.S. Rules, 1981 and the documents placed on record, on its own merits. Any observations in this order would not be an impediment either to the parties or the Education Officer (Secondary), Zilla Parishad, Jalgaon to take a decision.

Parties to act upon authenticated copy of this order. Petition stands disposed of, accordingly.

(P.R. BORA, J)

(S.S. SHINDE, J)