

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5060 OF 2013

SUKHADEV SAHEBRAO GAWADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. M. S. Taur h/f Mr. A. N. Kakade
AGP for Respondent / State : Mr. K. G. Patil

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

DATED : 8th JULY, 2015

PER COURT :-

1. The order dated 06.05.2013 passed by respondent No. 2, returning the proposal of the petitioner seeking approval as Head Master, is assailed. The learned counsel for the petitioner states that the petitioner is appointed as Head Master on 01.03.2012. The proposal was sent for the approval to the appointment of Head Master. However, the said proposal is returned back on the ground that in the present situation, the same cannot be considered. The learned counsel submits that even as per staffing pattern sanctioned for the year 2012-13, one post of Head Master is admissible on grant-in-aid basis. The learned counsel submits that there was no impediment to allow the said proposal. The learned counsel further submits that the Government Resolution relied in the affidavit in reply

is applicable to the schools which have commenced in the year 2004 and onwards. The petitioner is appointed in the said Ashram school in the year 1999 itself.

2. Mr. Patil, the learned AGP states that at least there ought to be 120 students for the post of Head Master to be admissible. There were only 60 students present at the time of inspection. The orders have been correctly passed.

3. The proposal is not decided conclusively by respondent No. 2. In fact, some decision ought to have been taken by respondent No. 2. In the said impugned order, he has asked for views of the Education officer (Secondary). It does not appear that the Education Officer (Secondary) had given his views. The petitioner may apprise respondent No. 2 of the correct factual situation as existing on 01.03.2012 when the petitioner was appointed as Head Master, so as to enable respondent No. 2 to come to a specific conclusion about the admissibility of the post and whether approval can be granted or not. In the light of the above, we pass the following order:

O R D E R

- I. Respondent No. 2 shall re-consider the proposal of the petitioner seeking approval to the appointment as Head

Master considering the sanctioned staffing pattern and all other relevant aspects of the matter as per the relevant Government Resolution and then arrive at a conclusion. The petitioner may put forth his case before respondent No. 2.

II. The petitioner may appear before respondent No. 2 on 27.07.2015. Thereafter, respondent No. 2 shall decide the aspect seeking approval to the appointment of the petitioner as Head Master afresh, on its own merits, expeditiously and preferably within a period of four (04) months from the date of appearance of the petitioner.

III. Writ Petition accordingly stands disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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