

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.58 OF 2015

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.M.P.Kale, advocate for the Petitioner.
Mr.G.K.Naik Thigle, Addl. Govt. Pleader for the State.
Mr.N.B.Jadhav, advocate for Respondent No.3.
Mr.B.A.Shinde, advocate for Respondent No.5.

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

Date : 11.03.2015.

PER COURT :

1. Heard.
2. Mr.Kale, learned counsel submits that the impugned communication dated 9.12.2014, is erroneous. The present petitioner is the senior most teacher. Earlier was working as in-charge Headmaster, however, the Education Officer has now authorised Respondent No.5 to sign the salary bills. According to the learned counsel, the Respondent No.2 needs to be directed to issue the order of regular Headmaster to the petitioner. Even as per seniority list, the petitioner is the senior-most eligible teacher to be appointed as Headmaster.
3. Mr.Shinde, learned counsel for Respondent No.5 submits

that the petitioner is the senior-most teacher and Respondent No.5 has no objection if the petitioner is appointed as a regular Headmaster.

4. According to the learned counsel for Respondent No.3, there is dispute in the Management and the District Judge has prohibited the Respondent from taking any policy decision. Mr.Jadhav, learned counsel submits that it is necessary to appoint regular Headmaster for smooth functioning of the School.

5. Learned Addl. Govt. Pleader submits that unless the proposal is received by the Education Officer from the Management, the orders of regular Headmaster can not be passed.

6. It appears that there is dispute amongst the members of the Management and the same is pending before the Joint Charity Commissioner and the District Judge. The District Judge, it appears has issued prohibitory orders against the members of the Management from taking policy decision.

7. Considering the above, we pass the following order :

a) The District Judge, where the dispute amongst the members of the Management is pending shall authorise a competent person from the Management to forward the proposal of the senior-most teacher for the post of Headmaster. On receipt of such proposal, the Education Officer, shall take decision on the said proposal, preferably within eight (8) weeks from the receipt of the proposal.

b) The Writ Petition is disposed of. No costs.

(V . L . ACHLIYA, J .)

(S . V . GANGAPURWALA, J .)

Dt..11.03.2015.
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