

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1238/2015

(RAJIV GANDHI VIDYALAYA & ANOTHER **VERSUS** EDUCATION OFFICER (SECONDARY), Z.P.
WASHIM & ANOTHER)

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

Court's or Judge's orders

Shri P.S. Patil, counsel for the petitioners.
Shri D.M. Kale, A.G.P. for the R-1.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : AUGUST 17, 2015.

By this petition, the petitioner seeks a direction to the respondent no.1-Education Officer (Secondary) not to allow the respondent no.2-Shri Ramrao Rathod to administer the petitioner no.1-School. A declaration is sought that the respondent no.2 has no authority or power to interfere in the administration of the petitioner no.1-School.

The respondent no.1 has filed an affidavit-in-reply. It is stated in the affidavit-in-reply that the Education Officer has never asked the respondent no.2 to act as the Headmaster in the petitioner no.1-School. It is stated that the respondent no.1-Education Officer (Secondary) has also not authorized the respondent no.2 to act as an administrator on the school. It is stated that the respondent no.1-Education Officer has neither appointed nor authorized the respondent no.2 to act as the Headmaster and if the respondent no.2 is posing to be the Headmaster, it would be for the petitioners to take appropriate action.

On a perusal of the prayers made in the writ petition and the affidavit-in-reply filed on behalf of the respondent no.1, it appears that no cause of action accrues against the respondent no.1-Education Officer. The respondent no.1-Education Officer has

not directed the respondent no.2 to act as the Headmaster. If the respondent no.2 is posing to be the headmaster of the petitioner no.1-School, it would be necessary for the management to take appropriate steps to ensure that the respondent no.2 does not act as the Headmaster. Since an appeal filed by the respondent no.2 is pending before the School Tribunal, it would not be possible to grant the second prayer made in the writ petition.

In view of the aforesaid, the writ petition is disposed of with no order as to costs.

JUDGE

JUDGE

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