

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

WRIT PETITION NO. 1673 OF 2015

Dharachandra Kundalsa Walli

-vs-

State of Maharashtra, thr. Its Secretary, Ministry of Education and others

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

Court's or Judge's Orders.

Mr.O.Y.Kashid, counsel for the petitioner.

Mr.Ambarish Joshi, A.G.P for the respondent Nos.1 and 2.

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

DATE : 01.12.2015.

By this petition, the petitioner challenges the order of the Deputy Director of Education rejecting the objections raised on behalf of the petitioner in respect of the appointment of the teachers in Sanmati Prathamik Vidyamandir.

The petitioner claims to be the President of the society that runs Sanmati Prathamik Vidyamandir. There are two factions in the Management and the petitioner leads the faction i.e. headed by him as the President. Certain appointments of Assistant Teachers are made in the Sanmati Prathamik Vidyamandir by the other faction and the petitioner had, therefore, challenged the appointments of the teachers before the Deputy Director of Education. By the impugned order, the Deputy Director of Education had rejected the objections raised on behalf of the petitioner.

On hearing the learned counsel for the parties, it appears that the writ petition is a fall out of the dispute between the two factions in the Management. The other faction led by the Secretary has made appointments of the teachers and the petitioner, who claims to be the President of the society, has objected to the said appointments. The Deputy Director of Education has observed in the impugned order that a meeting of

the Managing Committee was called on 28/10/2004 and instead of the petitioner, one Shri Balchandra Walli was granted the powers and responsibilities of the President. The Deputy Director of Education has observed in the impugned order that the petitioner was one of the signatories to the resolution, dated 28/10/2004. It is observed in the impugned order that the petitioner was aware of the agenda of the meeting, dated 28/10/2004 and the petitioner was personally present in the said meeting. It is also found that on 24/03/2007 the meeting of the general body of the Trust was conducted by Shri Balchandra Walli, as the President. It is observed in the impugned order that financial and administrative powers were granted in favour of Shri Balchandra Walli in 2007 and though the said powers were exercised by Shri Balchandra Walli till 2014, the petitioner had not raised any objection to the same. Since the Deputy Director of Education found that the appointments were made by following the due procedure for selection, but the advertisements were not issued in newspapers that were widely circulated, by condoning the minor deficiency, the Deputy Director of Education rejected the objection of the petitioner after asking the Management to issue the advertisement in a widely circulated newspaper for appointment of the employees in future. We do not find any illegality in the impugned order rejecting the objections raised on behalf of the petitioner. We find that the objections were raised by the petitioner, as the petitioner belongs to the rival faction in the Management. If the petitioner feels that the other faction in the Management is committing any irregularity, the petitioner is free to take appropriate steps against the concerned persons in the Management before the authorities under the Maharashtra Public Trusts Act.

In the result, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE