

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.7212/2014

Hemant Dulichand Giripunje

...Versus...

The Education Officer, Zilla Parishad (Secondary), Bhandara and others

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

Court's or Judge's orders

Shri B.M. Kharkate, Advocate for petitioner
Mrs. T.D. Khade, Advocate for respondent no.2
Ms P.A. Mahashabde, Advocate for respondent nos.3 and 4

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATE : 25.03.2015

By this petition, the petitioner seeks a direction to the respondent no.1 - Education Officer, Zilla Parishad, Bhandara to initiate action against the respondent nos.3 and 4 for illegally removing the records from the registered office of the School where the petitioner is working as a Headmaster. The petitioner also seeks a direction to the respondent no.2 – Board to accept the examination forms of the students.

It appears that there are two groups in the Management and one of the groups in the Management has terminated the services of the petitioner as a Headmaster. Instead of challenging the order of termination, the petitioner has approached this Court seeking a direction to the Education Officer to take action against the respondent nos.3 and 4, when respondent no.3 is admittedly the trustee whose name appears on

Schedule – I, for removing the records from the registered office of the School. When it is the case of the respondent nos.3 and 4 that the services of the petitioner are terminated, the petitioner cannot seek a direction for action against the respondent nos.3 and 4 in respect of the School records as admittedly the respondent no.3 is a trustee. If there is a dispute in the Management, the parties can avail the remedy under the provisions of the Bombay Public Trusts Act. It would not be proper for this Court to decide the dispute between the factions in the Trust in exercise of the writ jurisdiction. Also, it is stated on behalf of the respondent no.2 that the 10th standard examination is already over and the second prayer clause would not survive. Also, it is stated on behalf of the respondent nos.3 and 4 that the students have already appeared at the examination.

In the circumstances of the case, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar