

- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.10036/2016

Sansthan Shri Guru Mahaling Swami Math,
Bardapur.

...Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri U.R. Awate, Advocate h/f Shri S.B. Talekar, Advocate
for petitioner.

Shri S.Y. Mahajan, AGP for respondent nos.1 to 3.

.....

**CORAM: S.V. GANGAPURWALA &
K.L. WADANE, JJ.**

DATE: 05.10.2016

ORDER :

1] The petitioner assails the communication /
recommendation dated 24.8.2016 whereby the respondent
no.3 - Education Officer has recommended to appoint the
Administrator on the school run by the petitioner -
trust.

2] It is submitted that the Education Officer does not
have powers of recommendation.

3] The learned counsel for the petitioner and the

- 2 -

learned AGP are at idem that in normal course, the appointment of Administrator cannot be made without issuing notice to the trust concerned.

4] The reliance is placed on Section 3 of the Maharashtra Educational Institutions (Management) Act, 1976.

5] The impugned communication is only a recommendation by the Education Officer (Secondary) to the Deputy Director of Education. No decision has been taken as yet. As it is submitted and pointed out that the appointment of the Administrator would not be made without hearing the petitioner. As such, the petition would be premature. The respondent - authorities before passing any order with regard to the appointment of Administrator, shall issue notice to the petitioner - trust.

6] With above observations, the writ petition stands disposed of. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)