

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

WRIT PETITION NO.3146/2016

Mangesh Pratapsingh Shisode

...Versus...

State of Maharashtra, Through its Secretary, Department of School, Education & Sports, Mantralaya, Mumbai - 400032 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 Anjan De, Advocate for petitioner
Shri N.R. Rode, AGP for respondent nos.1 and 2
Shri Anup Dhore, Advocate for respondent nos.3 and 4

**CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.**

DATE : 11.07.2016

By this petition, the petitioner challenges the order of the Education Officer, dated 19.1.2016 approving the appointment of the respondent no.3 on the post of Assistant Teacher.

It is the case of the petitioner, who claims to be the Secretary of the Society, that runs the School in which the respondent no.3 is appointed and also a Member of the School Committee, that the Education Officer has wrongly granted approval to the appointment of the respondent no.3. It is stated that the appointment of the respondent no.3 is made without approval of the School Committee. It is stated that the Headmaster in the School has connived with the respondent no.3 and the proposal for grant of approval to the appointment of the

respondent no.3 was sought. It is stated that as per the staff justification only 33 teachers are admissible and the respondent no.3 would be the 34th teacher. It is also stated that there was a vacancy for B.A. B.Ed., whereas the respondent no.3 possesses the Degree of B.Sc. B.Ed.

We are not inclined to entertain the writ petition at the behest of the petitioner. The Management has not approached this Court against the grant of approval to the appointment of the respondent no.3 on the post of Assistant Teacher. It appears that there are two factions in the Management and the petitioner appears to belong to one of the two factions. The issue whether there was a connivance between the Headmaster in the School and the respondent no.3 cannot be decided in exercise of the writ jurisdiction. It appears that the petitioner, who claims to be the Secretary, has some differences with the other members of the Management and the respondent no.3 and hence, the writ petition must have been filed.

In view of the aforesaid, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE