

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

WRIT PETITION NO. 6134 OF 2016

Shishu Vikas Education Society, Nagpur, through its Secretary

-vs-

Education Officer (Primary), Zilla Parishad, Nagpur 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. S.D.Chande, counsel for the petitioner.
Mrs.Indira Bodade & P.K.Raulkar, counsel for the respondent No.1.
Mr. N.G.Jetha, counsel for the respondent Nos.2 to 7.

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

DATE : 29.11.2016.

By this writ petition, the petitioner challenges the order of the respondent-Education Officer (Primary) dated 12/08/2016 refusing to grant permission to the petitioner to issue an advertisement and conduct the process for appointment of the headmaster.

Shri Chande, the learned counsel for the petitioner, states that since the eligible teachers working in the school run by the petitioner-society are not desirous of being promoted to the post of headmaster, it was necessary for the Education Officer (Primary) to grant permission to the petitioner to appoint the headmaster in accordance with the provisions of rule 3 of the Rules of 1981.

The learned counsel for the Education Officer submits that the petitioner has not joined all the eligible teachers as party respondents. It is stated that even if it is assumed that all the eligible teachers working in the school of the petitioner are not desirous of being promoted to the post of headmaster, in view of the policy of the government, it would be necessary for the Education Officer to send a surplus headmaster to the school of the petitioner as several headmasters are declared surplus.

Shri Chande, the learned counsel for the petitioner, states that the petitioner is ready to accept a surplus headmaster as the headmaster in the school run by the petitioner provided that the said headmaster is eligible for holding the said post.

In view of the aforesaid, we dispose of the writ petition by permitting the Education Officer to send the name of an eligible headmaster to the petitioner for his/her absorption on the post of headmaster in the school run by the petitioner-society. The said process should be completed within one month. Order accordingly. No costs.

JUDGE

JUDGE

KHUNTE