

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

WRIT PETITION NO. 133 OF 2016

(Smt. Shakuntala w/o Ramnarayan Singh Thakur Vs. The Education Officer (Secondary), Z.P., Nagpur & another)

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

Court's or Judge's orders

Shri O. D. Jain, Advocate for the petitioner.
Shri N. R. Patil, A.G.P. for respondent No.1.
Shri P. N. Shende, Advocate for respondent No.2.

CORAM : B. R. GAVAI AND
P. N. DESHMUKH, JJ.
DATED : 16 FEBRUARY, 2016

The petitioner was unnecessarily required to approach this Court seeking direction to respondent No.1 to grant approval to her promotion as Headmistress.

2. Undisputedly, in a combined seniority list of the school run by respondent No.2, the petitioner, in accordance with the seniority, was entitled for promotion. Not only that, but one of the rival groups of the management had already submitted proposal for approval to the promotion of the petitioner as Headmistress. However, it appears that there is dispute in the management of respondent No.2-Trust and another group, represented by Shri Shende claiming to be in the management of the Trust, objected to the grant of approval to the promotion of the petitioner.

3. The Education Officer in his reply has stated that since there is dispute amongst two groups over the

management of respondent No.2-Trust, he did not grant approval to the proposal submitted by one of the factions.

4. We find that the stand taken by respondent No.1 is totally unsustainable. Respondent No.1 has no business to go into the question with regard to the dispute between two factions. Respondent No.1 could have very well examined the seniority list and upon examination of the seniority list could have come to the conclusion as to whether the petitioner, in accordance with the seniority list, was eligible for promotion to the post of Headmistress or not.

5. We find that on account of inaction on the part of respondent No.1, the petitioner was unnecessarily required to approach this Court.

6. When the matter was called out yesterday, the learned A.G.P. attempted to justify the action on behalf of respondent No.1. However, we made it clear that either respondent No.1 should come with approval order by 11 'O clock today or be ready to face serious consequences.

7. Respondent No.1, along with the approval order, is present in the Court.

8. We find that for no reason the petitioner was required to approach this Court for her legitimate claim. It is only on account of inaction on the part of respondent No.1 that

the present petitioner was required to file this petition. This is not the first time that respondent No.1 has received an invitation to visit the Court. On an earlier occasion also Shri Omprakash Gudhe, the present incumbent in the office of respondent No.1 was invited to the Court since it was noticed that on account of his conduct certain illegalities had been committed.

9. At that time we were of the view that on his visit to the Court, he would mend his ways and would not repeat such mistakes. However, it appears that the present incumbent in the office of respondent No.1 has not learnt the lesson and continued with the same conduct.

10. We could have taken a serious view of the matter and directed stern action to be taken against Shri Omprakash Gudhe. However, he has tendered unconditional apology. We, therefore, issue warning to him that if hereinafter he indulges into such acts, the Court will take stern action against him.

11. However, we find that in order to understand him the consequence of his conduct, it will be necessary that some costs should be saddled upon him.

12. We, therefore, direct Shri Omprakash Gudhe to purchase the law books worth Rs.10,000/- (rupees ten

thousand only) as per the list given by the learned Government Pleader and deposit the same with the Government Pleader's office within a period of one week from today.

13. Needless to state that the arrears payable to the petitioner shall be cleared within a period of six weeks from today.

14. With the above observations and directions the Writ petition is disposed of.

JUDGE

JUDGE