

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5577 OF 2007
WITH
CIVIL APPLICATION NO. 6940 OF 2009

1. Shaikh Rajjak s/o Shaikh Supadu,
Age : 66 years, occup. Business,
R/o Talab Mohalla, Parola,
District Jalgaon
2. Shaikh Salim Shaikh Masoom,
Age 53 years, occup. Service,
R/o Deopur, Dist. Dhule
3. Shaikh Yakub Abdul Rahaman,
Age: 52 years, occup: Trader,
R/o Mahmood Ali Road, Parola,
District Jalgaon
4. Shaikh Chairagoddin Shaikh Sardar,
Age: 50 Years, Occu: Service,
R/o: Ramji Apartment, Rabudi,
Jama Masjid, Thane.
5. Haji Hisamoddin Shaikh Budhan,
Age: 62 Years, Occu: Agriculturist,
R/o: Parola, District Jalgaon.
6. Shaikh Yakub Shaikh Ismail,
Age: 45 Years, Occu: business,
R/o: Parola, Dist. Jalgaon.
7. Shaikh Piran Shaikh Usman,
Age: Major, Occu: Nil,
R/o National Highway, Dhule. .. Petitioners

Versus

1. Hakimkhan Kalekhan Mastri,
Age: 70 Years, Occu: Nil,
Parola, District Jalgaon.
2. Shaikh Mahmood Shaikh Allauddin,
Age: 52 Years, Occu: Nil,

Chairman, School Committee,
Anglo Urdu High School,
Parola, District Jalgaon.

3. Shaikh Salahuddin Kamruddin
Age: 40, Occ- Service
R/o - Parola, District Jalgaon.
4. Shaikh Jamilur Raheman Shaikh Ismail,
Age: 35 Years, Occu: Service,
R/o: Anglo Urdu High School, Parola,
District Jalgaon.
5. The Education Officer (Secondary),
Zilla Parishad, Jalgaon.
6. The State of Maharashtra
through its Secretary,
Education Department, Mantralaya,
Mumbai

.. Respondents

Mr. L. V. Sangit, Advocate for petitioners
Mr. A.G.Talhar, Advocate for respondents no. 1 to 4
Mr. P. K. Lakhotia, Assistant Government Pleader for
respondents no.5 and 6

CORAM : SUNIL P. DESHMUKH AND
SANGITRAO S. PATIL, JJ.

DATE : 13th November, 2017

ORAL JUDGMENT:

1. The petition has been moved by one group of persons claiming to be in the management of trust Sahara Shikshan Sanstha, Parola, against appointment of respondent no.4 as Shikshan Sevak made under order dated 01-10-2006 by school committee, Anglo Urdu High School, Parola run by aforesaid trust, alleging said appointment to be without any

authority and approval thereto by Respondent no. 5- Education Officer (Secondary).

2. One writ petition bearing no. 190 of 2003 had been filed in this court in which some orders with reference to the Maharashtra Public Trusts Act, 1950 had been passed granting stay to order passed on 11-02-2002 by the Assistant Charity Commissioner, Jalgaon.

3. It appears, quite a few disputes have been going on in respect of control over management of institute - Sahara Shikshan Sanstha, Parola, District Jalgaon.

4. It further appears, an appeal had been filed before School Tribunal, Nasik by one of the employees of the school challenging his termination, making present respondent no. 4 and management of the institution parties to said appeal. The appeal had been dismissed on 02-04-2009 and said employee has been before this court under writ petition no. 3170 of 2010 in which rule has been issued on 06-07-2010 without any interim relief being granted, further observing that appointment of assistant teacher if made by management would be subject to final outcome of said writ petition with clear information of the same to the employee so appointed.

5. In present petition, grievance has been made as referred to earlier that appointment of respondent no. 4 in 2006 has been unauthorizedly made.

6. Respondent no.4's appointment appears to have been pursuant to certain procedure being followed and approval thereto has also been granted by concerned authority.

7. Several disputed questions appear to have been involved. Taking into account aforesaid, we do not consider that present writ petition challenging appointment of respondent no. 4 may be efficacious proceedings.

8. In the circumstances, we are not inclined to interfere with the order impugned and as such writ petition is dismissed.

9. Writ petition is disposed of. Rule is discharged.

10. Civil application stands disposed of.

SANGITRAO S. PATIL
JUDGE

SUNIL P. DESHMUKH
JUDGE

pnd