

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

920 CIVIL APPLICATION NO. 8947 OF 2015
IN WP/249/2009

SURESH JOHN SABLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Jadhavar Santosh S.
AGP for Respondents State: Mrs. M. A. Deshpande
Advocate for Respondent No.4 : Mr. A. K. Gawali
Advocate for respondent No. 5: Mr. R. V. Gore
Advocate for respondent No. 6: Mr. S. T. Shelke
Advocate for respondent No. 7: Mrs. Dharurkar h/for Mr.
V. C. Dharurkar

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

DATE : 17th February, 2017

ORDER:

1. Mr. Jadhavar, the learned counsel for the applicant submits that the respondents be directed to appoint the petitioner as Headmaster and the respondent No.3 be directed to grant approval to such appointment. The learned counsel submits that the circumstance under which the order dated 13.08.2009 in Writ Petition Nos. 404/2009 and Writ Petition No.249/2009 was passed does not exist. Now the administrator is appointed over the Institute. Mr Kamble, who claimed to be appointed on the post of Headmaster has retired and one Mr. Solomon is no more. This Court, in the said order, has observed that till decision of the dispute in the management

and in the event if the respondent Nos. 4 and 5 decide to settle their dispute before an appropriate forum, till decision of such dispute, the Authorities of the Education Department shall not recognize either respondent No.4 or respondent no.5 as Headmaster or in-charge Headmaster and shall treat them as Assistant Teachers. The learned counsel submits that now as the Administrator is appointed, the Administrator can proceed.

2. We have heard Mr. Shelke, the learned counsel for the Administrator. The learned counsel submits that the Administrator is an independent person and not concerned with the dispute. The contingency as stated in the order still subsists. We have also heard learned counsel for the intervenor.

3. It appears that there was a dispute between two factions of the management, as a result of which, both, respondent Nos. 4 and 5 in the said writ petitions were claiming to be the Headmasters of the Rural High School and Junior College, Wadala, Taluka Newasa. One Mr. Kambale has already retired and another Mr. Solomon is no more.

4. Dispute amongst the Management is also no more

relevant as the Administrator is appointed to administer and manage the Institution.

5. Mr. Jadhavar, the learned counsel contends that the applicant was appointed as Headmaster in the year 2001 at Mumbai and thereafter was transferred to Wadala School in 2004 as Headmaster. Even the said appointment is approved by the Education Officer.

6. Considering the above, we pass following order:

O R D E R

The Administrator shall forward the proposal of the Senior most teacher for the post of Headmaster of the Vadala school and that of the applicant with the notings of the Administrator as per the record. The said proposal shall be forwarded within two weeks. On receipt of the same, the Education Officer shall take decision upon it within three weeks thereafter.

Civil application disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC