

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

WRIT PETITION NO. 391 OF 2017

SIDDHART TRAMBAK PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Vishnu L Dhoble
AGP for Respondents 1 and 5 : Shri S.P.Tiwari.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 17th January, 2017

Per Court:

1 The Petitioner is aggrieved by the judgment of the School Tribunal dated 27.06.2016 by which his Appeal No.15/2015 has been dismissed.

2 Shri Dhoble, learned Advocate on behalf of the Petitioner, has strenuously criticized the impugned judgment. He has taken me through the pleadings in the memo of the petition as well as the grounds of challenge formulated by him. The contention is that admittedly there are only two schools being operated by Respondent No.2/ Management. As such, considering the import of the Government Resolution dated 05.05.2009, the reservation to the post of Headmaster has been set at

33%. Therefore, in the given case, the reservation would be 0.66% which can be rounded off to 1%. Hence, one post out of the two can be reserved for Backward Class.

3 I have considered the submissions of the learned Advocate for the Petitioner.

4 This Court, by its judgment delivered in Writ Petition No.2552/2010 in the matter of *Kumbhar Mahadeo Bhau vs. State of Maharashtra*, has concluded that when there are two posts of Headmaster, the reservation for the Backward Class provided by the Rules under the MEPS Act being 33%, one post out of two cannot be reserved for the Backward Class.

5 This Court, in Writ Petition No.6253/2010 in the matter of *G.I.Hampannawar vs. State of Maharashtra*, dealt with the order of the Education Officer dated 05.07.2010 approving the appointment of the said Petitioner as a Headmaster on the basis of the reservation. This Court concluded that when there are two posts of Headmaster, the reservation for the Backward Class provided at 33% cannot be enlarged to reserve one post which would amount to 50% reservation. The order of the Education Officer was, therefore, set aside.

6 The learned Division Bench of this Court in the matter of *Shri Sharda Bhavan Education Society vs. State of Maharashtra and another*, **2011(6) Mh.L.J. 259**, has concluded that when three colleges are being conducted by the Educational Institution, the post of Principal being a solitary post, the reservation policy could be made applicable only with regard to the plurality of the post in the cadre. The single post cadre of Principal cannot, therefore, be reserved.

7 Considering the above, I do not find that the Tribunal has committed any error in delivering the impugned judgment. This Writ Petition being devoid of merit is, therefore, dismissed.