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

**WRIT PETITION NO. 10374 OF 2016
WITH CA/10078/2017 IN WP/10374/2016**

**SUDHAKAR NAGORAO PANCHAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

**Advocate for Petitioner : Shinde Chandrakant K.
AGP for Respondents: Mrs.R.P.Gaur
Adv.Mr.Manoj Patil for R.4.
Adv.Mr.N.R.Thorat for intervenor**

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**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL,JJ.**

DATE : 15/09/2017

PER COURT :-

Mr.C.K.Shinde, learned counsel submits that the petitioner is promoted as a Head Master under order dated 4/9/2014. The proposal is also forwarded by the management to the Education Officer. However, the Education Officer was only granting approval for six months as an incharge Head Master. According to the learned counsel, the petitioner is the senior most teacher and is entitled to be the Head Master. The earlier Head Master has already attained age of superannuation.

2] The learned counsel appearing for respondent no.4 supports the argument of Mr.Shinde, learned counsel.

3] Mr.Thorat, learned counsel appearing for the person filing intervention application states that the intervenor is the President of the Society. There are two groups in the society. The petitioner is not appointed by the valid group and petitioner cannot be a regular Head Master.

4] This Court under order dated 25/7/2012 in Writ Petition No.4998/12 had authorised senior most Assistant Teacher for submitting proposal for payment of salary and it was further observed that the said order shall not be treated to be acceptance of claim of either party.

5] The proposal it appears is already submitted to the Education Officer seeking approval to the appointment of the petitioner as Head Master. The Education Officer has to take decision upon the said proposal either way, after considering all the relevant aspects of the matter and should not keep the said proposal pending, by granting approval as incharge Head Master.

6] Considering the above, we pass the following order :

I] The Education Officer shall decide proposal submitted to it, seeking approval to the appointment as Head Master on its own merits in accordance with law and after hearing all parties concerned, expeditiously preferably within four months. The party may appear before the Education Officer on 3/10/2017.

II] Writ Petition is disposed of. No costs.

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III] In view of disposal of Writ Petition, Civil Application also stands disposed of.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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