

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

WRIT PETITION NO. 11356 OF 2016

Shri Ganesh Shikshan Prasarak
Mandal through its Secretary
S. J. Jadhav and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri S. R. Kedar, Advocate h/f Shri Arun S. Shejwal and Shri S.
S. Jadhav, Advocate for Petitioners.
Mrs. R. P. Gaur, A.G.P. for Respondent Nos. 1 and 2.
Shri V. D. Gunale, Advocate for the Respondent No. 3.
Shri E. G. Irale, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
S. M. GAVHANE, JJ.**

DATE : 22ND NOVEMBER, 2017.

FINAL ORDER :

. The petitioner assails the order dated 19.07.2016 passed by the Education Officer thereby cancelling the temporary approval granted to the incharge head master and restoring the approval of the present respondent No. 3 as a head master.

2. There are rival contentions. One Mr. Shantaram Jodharam Jadhav claims to be Secretary of Shri Ganesh

Shikshan Prasarak Mandal. Whereas, as per the respondent No. 4, he is not the Secretary and Secretary is one Mr. Uttam Tensing Rathod, so also President is Yadav Rupla Jadhav.

3. It appears that, two groups are claiming to be in the management and different change reports are filed before the office of Charity Commissioner. According to the petitioners, they have even terminated the service of the respondent No. 3 on 15.11.2016. Whereas, as per the respondent No. 3 he has not received said termination, nor any enquiry was conducted against him and he is still officiating as Head Master and the Shantaram Jadhav does not have any authority, as he is not officiating as Secretary.

4. These are the contentious contentions raised by respective parties.

5. The Education Officer shall consider the submissions and the contentions of the respective parties and take decision afresh with regard to approval to be granted to the appointment of the respondent No. 3 herein or not as Head Master and considering all relevant aspects of the matter. The parties herein may appear before the Education Officer on 05th December, 2017. The petitioners are at liberty to put forth their stand. The Education Officer shall take decision afresh for grant of approval

to the appointment of the respondent No. 3 as Head Master. The writ petition is disposed of. No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Nov. 17