

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.2419 OF 2015**

Walandi Bahuddeshiya Shikshan
Prasarak Mandal,
through its President
Layak Ali s/o. Jafar Saab Saudagar ..Petitioner

Vs.

The State of Maharashtra,
through Secretary in the
Department of Education,
Mantralaya, Fort,
Mumbai – 32
and ors. ..Respondent

--

Mr.A.A.Mukhedkar, Advocate for petitioner
Mr.P.S.Patil, AGP for respondent nos.1 and 2
Mr.G.B.Patunkar, Advocate i/b. Mr.M.C.Swami,
Advocate for respondent no.4

--

**AND
WRIT PETITION NO.8411 OF 2015
WITH
CIVIL APPLICATION NO.14265 OF 2016**

Walandi Bahuddeshiya Shikshan
Prasarak Mandal,
through its President
Bhimashankar s/o. Shivrudra
Mahajan and anr. ..Petitioners

Vs.

The State of Maharashtra,
Through Secretary to School
Education Department, Mantralaya,
Mumbai
and others ..Respondents

--

Mr.S.M.Vibhute, Advocate for petitioners/
applicants

Mr.P.S.Patil, AGP for respondent nos.1 and 3

Mr.A.V.Patil, Advocate for respondent no.6

--

**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : MARCH 14, 2017

PER COURT :

Heard.

2. Writ Petition No.2419 of 2015 is purportedly filed by a person claiming to be the President of Walandi Bahuddeshiya Shikshan Prasarak Mandal. Writ Petition No.8411 of 2015 is filed by another person who is also claiming to be the President of the same institution. Petitioner no.2 in the said Writ Petition claims to be the In-charge Headmaster of the school run by the Institution.

3. The school namely, Rashtriya Vidyalaya, Takli (Devni) is being run by the Institution - Walandi Bahuddeshiya Shikshan Prasarak Mandal. It

is not in dispute that since there was parallel management of the rival groups and the rival groups were at a loggerhead, by virtue of which the school was being mismanaged, this Court had directed to appoint an Administrator over the school. Accordingly, the Block Development Officer, Panchayat Samiti, Shirur-Anantpal has been appointed as an Administrator and the Administrator has taken the charge of the school.

4. The petitioner in Writ Petition No.2419 of 2015 claims to have terminated respondent no.4 therein and still it is stated that the salary is being released to respondent no.4, whereas in Writ Petition No.8411 of 2015, it is contended that respondent no.6 therein is terminated and still, subsistence allowance is being claimed and directed to be paid to him.

5. This Court cannot rely upon the contentions of the rival groups. Considering the fact that the Administrator has taken charge of

the school, who would be managing the affairs of the school and would have control over the record of the school, it would be appropriate for the Administrator to scan the entire record and place it before the Deputy Director of Education, to take decision afresh in respect of the employees of the school.

6. We, therefore, direct that the Administrator, upon going through the record, within a period of three weeks from today, shall submit the relevant record before the Deputy Director of Education with his noting in respect of respondent no.4 in Writ Petition No.2419 of 2015 and respondent no.6 in Writ Petition no.8411 of 2015.

7. Upon receiving the record along with the noting of the Administrator, the Deputy Director of Education shall take a decision afresh with regard to the rights and contentions of respondent no.4 in Writ Petition No.2419 of 2015 and

respondent no.6 in Writ Petition no.8411 of 2015, expeditiously and preferably, within a period of six weeks from the date of receipt of the record.

8. With these directions, both the Writ Petitions stand disposed. Pending Civil Application also stands disposed of.

9. The amounts deposited in this Court, be transmitted to the Deputy Director of Education.

[SANGITRAO S. PATIL, J.] [S.V. GANGAPURWALA, J.]

kbp