

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

WRIT PETITION NO. 7052 OF 2015

Jayshree Yashwant Ghankute .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri V. S. Bedre, Advocate for the Petitioner.

Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 and 2.

Shri D. D. Pokharkar, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.**

DATE : 05TH DECEMBER, 2018.

FINAL ORDER :

. The petitioner claims to be teacher from the Scheduled Tribe category and submits that as per the roster post of Head Mistress is reserved for the S. T. category. Mr. Bedre, the learned counsel submits that, earlier Head Master had forwarded the proposal of the petitioner for the post of Head Mistress, however, Education Officer did not consider it on the ground that same is not forwarded by the management. The learned counsel submits that, administrator was appointed on the institution upto the year 2014. His term is over. Thereafter administrator is not continued. Now the Education Officer has allowed the senior most teacher to act as an incharge head

master for limited purpose of submitting salary bills. The learned counsel refers to the letter dated 06th March, 2010 issued by the Government that it would be open for the Education Officer (Secondary) to consider the claim of the post of Head Master, if there is dispute in the management. The Education Officer be directed to appoint the petitioner as Head Mistress.

02. Mr. Pokharkar, the learned advocate for the respondent No. 3 accepts that the person officiating as an incharge Head Mistar is the senior most and is appointed only for limited purpose.

03. It has been accepted by the Education Officer in his affidavit that as per the roster, the post of Head Master is reserved for S. T. category and the petitioner is one who can officiate on the said post.

04. The anomalous situation has arisen in the matter. However, the management/society is not before this Court and is also not party in the present petition.

05. It is the prerogative of the management to appoint Head Master of the institution. In the present case, it is submitted that, there is no proper management in place after the term of the administrator is over.

06. The anomalous situation will have to be resolved. The Education Officer shall call for the proposal from the management with regard to the post of Head Mistress from the S. T. category candidate within a period of two (02) months and inspite of communication, if, the proposal is not received, shall take further steps as per the letter dated 06th March, 2010. The writ petition is accordingly disposed of. No costs.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

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