

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

WRIT PETITION NO. 9361 OF 2017

Laxmanrao Eknathrao Manal
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Shri V. J. Dixit, Senior Advocate i/by Shri S. V. Dixit, Advocate for
Petitioners.

Shri A. S. Shinde, A.G.P. for Respondent Nos. 1 and 2.

Shri S. G. Chapalgaonkar, Advocate for Respondent Nos. 3 and 4.

Shri Milind M. Patil (Beedkar), Advocate for the Respondent No. 5.

Shri V. D. Hon, Senior Advocate i/by Shri A. V. Hon, Advocate for
the Applicant in C. A. No. 10827 of 2017

Shri Sham C. Arora, Advocate for the Applicant in C. A. No. 12570
of 2017.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 14TH FEBRUARY, 2018.

FINAL ORDER :

. The groupism in educational institutions has become the order of the day. The present petition is one such illustration. Each group is trying to demonstrate supremacy over the other and while doing so, the employees suffer.

2. The dispute is with regard to the incharge principal. The post of incharge principal does not have any additional privileges or rights, still the parties are fighting over the post of incharge principal.

3. The petitioner No. 2 herein was approved as an incharge principal and the said approval was stayed under communication dated 15.06.2017 issued by the respondent No. 4. One Mr. Dr. B. B. Lihinar was also approved as an incharge principal under order dated 04.02.2017 for a period of one year.

4. The order of approval of the petitioner and said Dr. B. B. Lihinar as incharge principals has come to an end by passage of time. As on date nobody from the college has an approval as an incharge principal.

5. It appears that, pursuant to the orders passed by the Apex Court in Special Leave Petition No. 21504 of 2008, the elections were held for the appointment of the office bearers and five persons were appointed as office bearers as per letter of the Joint Charity Commissioner, Aurangabad Division, Aurangabad. Those five persons are as under :

Sr. No.	Name of Candidate	Post held
01.	Laxmanrao Eknathrao Manal	President
02.	Kusum Laxmanrao Manal	Vice President
03.	Pramod Kashinathrao Joshi	Secretary
04.	Bhalchandra Abaji Vaidya	Treasurer
05.	Shailaja Pramod Joshi	Joint Secretary

6. It is stated that, one of them Shri Bhalchandra Abaji Vaidya

is no more.

7. The petitioners have come with a case that, Dr. B. B. Lihinar is suspended under letter dated 13.07.2016. The said factum is debated by respondents and the intervenors.

8. In normal course, the senior most professor/lecturer would be appointed as an incharge principal. The seniority as maintained by the management would be considered by the university/competent authority. However, it is also duty of the management to fill in the post of principal by adhering to the due procedure. Not filling the post of principal would invite further consequences, which the university is entitled to take. It appears that, for more than two years no full fledged principal is appointed by the institution. It is high time, the institution takes steps to appoint full fledged principal by following due procedure.

9. As nobody is approved as an incharge principal as on the date, the management shall forward the proposal for approval of a person to officiate as an incharge principal and the university shall pass order with regard to approval of a person for the post of incharge principal after considering all the objections that would be received by it.

10. We also direct the institution to take effective steps for filling in the post of full fledged principal in accordance with the

provisions of law and the procedure.

11. Till the university approves appointment of competent person for the post of incharge principal, the accounts which were operated by the signature of the incharge principal shall be operated by one Mr. Chincholikar, (who is senior most professor/lecturer apart from petitioner No. 2 and Dr. B. B. Lihinar) and the President of the institution.

12. One of the arguments of the intervenors is that, the petitioner No. 2 has attained the age of superannuation.

13. The institution will submit fresh proposal of appointment of an incharge principal. The said proposal shall be decided by the university by considering objections that may be raised by the concerned parties, expeditiously and preferably within a period of two (02) months from the date of receipt of the proposal.

14. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Feb. 18