

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

34 WRIT PETITION NO. 14139 OF 2017

RAJENDRA SAMBHAJIRAO KENDRE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ORS ..RESPONDENTS

**WITH
WRIT PETITION NO.7688 OF 2017**

DAGADU REKHU CHAVAN ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ORS ..RESPONDENTS

**WITH
WRIT PETITION NO.7704 OF 2017**

RAJKUMAR MADHAVRAO BANSODE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ORS ..RESPONDENTS

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Mr. N. P. Jamalpurkar Patil, Advocate for the
Petitioners.

Mr. A. V. Deshmukh, AGP for Respondents-State.

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**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATED : 01st AUGUST, 2018.

PER COURT:-

1. The petitioners in all these petitions were working as Head Masters. The grievance is that because of the reduction in the strength of

the students, the post of the Head Master is not admissible. The petitioners have disputed the factum of the post of the Head Master not being available.

2. The respondents have filed their affidavit contending that the respondents-schools do not have the minimum strength of students. In view of that, the post of Head Master is not admissible.

3. It has been stated on affidavit that the Government Resolution dated 15.1.2018 has been issued, wherein the Ashram School Code has been made applicable to the Ashram Schools from the year 2017-2018 and Ashram Schools Code provides that the provision of Right of Children to Free and Compulsory Education Act, 2009 would be applied. The Government Resolution of the School Education Department dated 28.08.2015 is applied and implemented from 15.1.2018. In view of that Government Resolution, the salary of the petitioners would be protected.

4. Considering the fact that, the number of students have been reduced below the required minimum for admissibility of the post of Head Master, certainly the post of Head Masters would not be admissible. However, the petitioners were working as Head Masters and considering the affidavit filed by the respondents-State, the salary of the petitioners, which they were drawing

as Head Masters shall be protected and they shall be paid accordingly.

5. With these observations, writ petitions stand disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/August-18