

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 8069 OF 2013

The President, Palus Shikshan Prasarak
Mandal, Palus, District Sangli

... Petitioner

Vs

1 The State of Maharashtra & Ors.

... Respondents

**WITH
CIVIL APPLICATION NO. 544 OF 2014
IN
WRIT PETITION NO. 8069 OF 2013**

Mr. Abhijeet Kandarkar for the Petitioner.

Mr. S.S. Panchpor, AGP, for the Respondent-State.

**CORAM : S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

MONDAY, 03RD DECEMBER, 2018

P.C. :

1 When this petition was called out, Mr. Kandarkar
applies for an adjournment.

2 In the light of the fact that it has been listed on nine
previous occasions and is pending in this Court from more than

five years, adjournment is refused.

3 On 16th July, 2013, the petitioners were communicated that the appointment of Mr. V.N. Kamble as Headmaster cannot be approved. The reason for that is he is not a senior teacher.

4 On 20th July, 2013, the petitioner disputed and urged that the petitioner has rightly recommended the said Mr. V.N. Kamble for the post. It is stated that two teachers Mr. S.N. Kulkarni and Mr. C.A. Patil who are senior to the retiring Headmaster have refused the promotion. Then, as far as Mr. S.M. Patil is concerned, he is senior but there are adverse remarks. There is a penalty imposed on this teacher Mr. S.M. Patil (Sankpal). Thereafter, there are three more teachers who are admittedly senior to the petitioner and we do not find that any justification is provided beyond stating that they have refused promotion.. All the more, when the petitioners have themselves raised the issue as to how the two senior teachers Rajendra Sambhajirao Patil and one another is not eligible. They have gone to the extent of levelling false charges against the outgoing Headmaster.

5 In the affidavit-in-reply the Education Officer has pointed out that it is incorrect to hold that so many teachers who were admittedly senior to the said Mr. Kamble could have been ignored while appointing Mr. Kamble as a Headmaster. It is stated that Mr. Kamble is an accused in a criminal complaint lodged by the then Administrator Mr. Gaikwad, then, how he is eligible and fit for promotion has not been clarified to the Education Officer, Secondly, the affidavit points out that the petitioner has intentionally avoided to follow and observe the required procedure. It could not have been so cavalier and casual in the matter of making appointment of a Headmaster. It is in these circumstances that the approval was refused.

7 This is definitely a valid and germane ground for refusing approval. Once this is the reason assigned and on the basis of the available record, then, we cannot attribute perversity to the Education Officer either. The order is neither vitiated by non application of mind nor perversity and it cannot be termed as contravening any settled principles of law.

8 For all these reasons, we find no merit in the writ petition and it is dismissed.

9 In view of the dismissal of the Writ Petition, the Civil Application does not survive and, accordingly, stand disposed of.

SMT. BHARATI H. DANGRE, J.

S.C. DHARMADHIKARI, J.