

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

***WRIT PETITION NO. 3439 OF 2013***

1 Smt Seema Ganpat More & Anr. ... Petitioners

Vs

2 The State of Maharashtra & Ors, ... Respondents

Mr. Rupesh Lanjekar i/b Mr. M.L. Patil for the Petitioner.

Mr. S.B. Kalel, AGP, for the Respondent-State.

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

***TUESDAY, 24TH JULY 2018***

***P.C. :***

1 Heard Mr. M.L. Patil appearing for the petitioner.

2 After perusing the writ petition and the annexures thereto, we do not think that at the instance of the petitioner, an Administrator can be appointed by superseding the Board of Management. No person, much less, in the rank of an Under Secretary or a Deputy Director in the Department of Education can decide for the Government whether to supersede a Management of an Educational Institution / Body or to take over

the same and place it in the hands of the Government and appoint an Administrator thereon. For administering the day-today affairs and management of a School if such an action has to be taken, then, there are independent laws in the field. They require a satisfaction to be recorded in terms of the applicable legal position and then alone an Administrator can step in and not otherwise. If the Government does not deem it fit and proper to appoint an Administrator or take such a drastic action, then, the petitioner cannot seek a writ of mandamus on the strength of such a letter which is nothing, but a mere recommendation or an opinion of an official. That cannot bind the State as a whole.

2            In such circumstances, the writ petition is entirely misconceived and is dismissed.

*SMT. BHARATI H. DANGRE, J.*

*S.C. DHARMADHIKARI, J.*

Syed  
Rehmat  
Pasha

Digitally  
signed by  
Syed Rehmat  
Pasha  
Date:  
2018.07.26  
19:59:35  
+0530