

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1750 OF 2017

Jaitapur Education Society

..Petitioner

Vs.

The State of Maharashtra and Others

..Respondents

Mr.Saurabh S. Pakale I/b Mr. S. M. Katkar, for the Petitioner.

Mrs. Rupali M. Shinde, AGP, for Respondent Nos.1 and 2.

Mr. P. J. Thorat, for Respondent No.3.

CORAM:-B.R.GAVAI & B. P. COLABAWALLA,JJ.
DATE :- FEBRUARY 14, 2018.

P. C.:

The Petition has been filed for the following reliefs:-

“(a) Call for the relevant records and proceedings from the office of Respondent authorities and after going into legality of the same, quash and set aside the impugned order dated 4th July 2016 passed by the Respondent No.2 education Officer.

(b) Hold and declare that the Respondent No.4 is a suitable person for the post of headmaster in petitioner's school instead of Respondent No.3.

(c)Direct the Respondent No.2 education Officer to grant

the approval to the proposal submitted by the petitioner for appointing the Respondent No.4 for the post of headmaster in petitioner's school as the respondent no.3 had herself relinquished her rights for being appointed on such post."

2 Insofar as prayer clause (b) is concerned, it is not in dispute that Respondent No.4 has already been superannuated and on superannuation retired from the services. In that view of the matter, prayer clause (b) cannot be granted.

3 Insofar as the other reliefs in the Petition are concerned, we direct the Respondent-Education Officer to approve the appointment of a senior-most teacher working in New English School and Snehlata R. Manjrekar, Jr. College, Jaitapur under the management of the Petitioner. The same shall be done within a period of four weeks from today. The Petition is disposed of.

(B. P. COLABAWALLA, J.)

(B. R. GAVAI, J.)