

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

WRIT PETITION NO. 2814 OF 2018

Satish Dattatraya Bhavsar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Ramesh I. Wakade, Advocate for the Petitioner.

Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 to 4.

Shri S. P. Brahme, Advocate for the Respondent No. 5.

Shri P. S. Shendurnikar, Advocate for the Respondent No. 6.

Shri N. B. Suryawanshi, Advocate h/f Shri S. N. Suryawanshi,
Advocate for the Respondent No. 7.

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

DATE : 20TH MARCH, 2019.

FINAL ORDER :

. We have heard Mr. Wakade, the learned advocate for the petitioner, Mr. Bhrame, the learned advocate for the respondent No. 5, Mr. Suryawanshi, the learned advocate for the respondent No. 7, Mr. Shendurnikar, the learned advocate for the respondent No. 6 and the learned Assistant Government Pleader for respondent/State.

2. The petitioner is challenging the order dated 26.09.2017 granting stay to the approval letter dated 12.09.2017. According

to the petitioner his appointment as a Head Master was approved.

3. The learned Assistant Government Pleader submits that, the Education Officer has not issued the order dated 26.09.2017 impugned in the present writ petition, nor has issued the order dated 12.09.2017 produced by the petitioner granting approval to his appointment as a Head Master. The Education Officer had only granted approval to the petitioner as a incharge Head Master for limited purpose of signing pay bills and subject to certain conditions (page 58).

4. It is submitted that, the petitioner is senior most assistant teacher. It further appears that, there are warring groups in the management. If the orders relied in the present writ petition are not issued by the Education Officer, then same is a serious issue. In that case enquiry is required to be conducted as to who has issued those orders and further steps are required to be taken against erring person.

5. If it is said that the Education Officer has not issued the impugned communication/order, then nothing remains for adjudication in the writ petition itself.

6. The Deputy Director of Education (respondent No. 2) shall

make an enquiry with regard to the documents produced on record that is impugned communication dated 26.09.2017 stating the approval granted to the petitioner as Head Master is stayed, so also letter dated 12.09.2017 (page 61), which states that, the promotion of the petitioner as Head Master is approved. The Deputy Director of Education shall after scanning record of the office of the Education Officer and considering documents those may be produced by the parties take decision within a period of four months from the date of appearance. The parties may appear before the Deputy Director of Education on 03rd April, 2019. The Education Officer may also produce his record with the Deputy Director of Education.

7. The parties may take effective steps with regard to the post of Head Master expeditiously. One of the contention of the respondents is that documents regarding pay fixation also are forged one. Same shall also be considered by the Deputy Director of Education. The writ petition is disposed of. No costs.

8. Till the decision is taken by the Deputy Director of Education, present arrangement may be continued.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]