

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 633 OF 2019
WITH
CIVIL APPLICATION NO. 3092 OF 2019

THE MANAGING COMMITTEE, MADARSE MADINATUL ULOOM
EDUCATION SOCIETY, NANDED, THROUGH ITS SECRETARY
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Mr. R. R. Mantri, Advocate for the Petitioner.
Mrs. M. A. Deshpande, AGP for the Respondent-State.
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**CORAM : PRASANNA B. VARALE &
NITIN W. SAMBRE, JJ.
DATED: 14th MARCH, 2019**

PER COURT:-

1. Heard learned counsel for the respective parties.
2. The petitioner institute was before this court with the principal prayer seeking directions to decide the proposal for appointment of Head Masters viz. (1) Mohd. Ikbal Ahmad Sarwar and (2) Mohd. Hafeezuddin Mohd. Ameeruddin, as Head Master of the respective High Schools/Junior Colleges. By order dated 22.1.2019, by referring the submissions in detail and the grievance raised in the Petition, notice was issued by us and by way of interim order, we directed respondent no.2 to permit these two Head Masters to work provisionally as Head Masters of the respective schools and to undertake the important activities, such as, submission of salary bills and the activities in relation to the scheduled examinations of 10th and 12th standards in the month of March, 2019.

3. Civil Application is filed raising a grievance that in spite of the order of this Court no steps are taken/no orders are passed by the competent authority and thereby the institution is facing difficulties in daily administration of the schools as well as to meet urgency of filling in the examination forms of the students, who were desirous to appear for the 10th and 12th standard examinations.

4. On 22.2.2019, at the request of learned A.G.P. time was granted. Today, the learned A.G.P. invited our attention to the compilation of documents which is taken on record and marked "X" for identification. Perusal of these documents show that by order dated 21.2.2019 both the Head Masters viz. (1) Mohd. Ikbal Ahmad Sarwar and (2) Mohd. Hafeezuddin Mohd. Ameeruddin, have been granted provisional powers for the financial aspects as well as the administrative aspects from 1.1.2019 and 22.1.2019 until further orders, respectively. Learned A.G.P. orally submitted before us that there is delay caused in complying with the order of this Court and the delay was purely for unintentional reasons and due to procedural defects. Learned A.G.P. also submitted that the Education Officer is tendering his apology and remorse for the delay caused in complying the Court's order. Learned A.G.P. also submitted that the proposals submitted by the institution in respect of (1) Mohd. Ikbal Ahmad Sarwar and (2) Mohd. Hafeezuddin Mohd. Ameeruddin, both dated 3.1.2019, would be decided at the earliest.

5. In view of above submissions of learned A.G.P. we see no

impediment to dispose of the writ petition itself. Accordingly, we direct the Education Officer (Secondary), Zilla Parishad, Nanded to decide the proposals dated 3.1.2019 in respect of (1) Mohd. Iqbal Ahmad Sarwar and (2) Mohd. Hafeezuddin Mohd. Ameeruddin, as early as possible and not later than four weeks from the date of this order. Learned A.G.P. to communicate this order to the Education Officer (Secondary), Zilla Parishad, Nanded forthwith.

5. Writ Petition as well as the Civil Application are accordingly disposed of.

(NITIN W. SAMBRE, J.)

(PRASANNA B. VARALE, J.)

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