

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

WRIT PETITION NO. 9988 OF 2018

Sudhakar Nagorao Panchal .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Chandrakant K. Shinde, Advocate for the Petitioner.
Mrs. Geeta L. Deshpande, A.G.P. for Respondent Nos. 1 to 3.
Shri N. N. Bhagwat, Advocate h/f Shri M. A. Patil, Advocate for
the Respondent No. 4.

**WITH
CIVIL APPLICATION NO. 3297 OF 2019
IN
WRIT PETITION NO. 9988 OF 2018**

The High School Lohara through its
Founder President .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Shri Nanabhau R. Thorat, Advocate for the Applicant.
Mrs. Geeta L. Deshpande, A.G.P. for Respondent Nos. 1 to 3.
Shri N. N. Bhagwat, Advocate h/f Shri M. A. Patil, Advocate for
the Respondent No. 4.
Shri Chandrakant K. Shinde, Advocate for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.
DATE : 04TH MARCH, 2019.**

FINAL ORDER :

. The petitioner seeks directions against the respondent/Education Officer to grant the petitioner approval as regular Head Master.

2. Mr. Shinde, the learned counsel for the petitioner submits that, there is dispute amongst members of the management. In view of that, the Education Officer has powers to consider grant of pay scale of selection grade to the head master. The petitioner is officiating as incharge Head Master since the year 2014. The learned counsel relies on the Government Resolution dated 09th August, 2010 and Government communications dated 21.01.2010 and 06.03.2010.

3. The learned counsel appearing for the respondent No. 4 supports the contention of the petitioner.

4. The learned counsel appearing for the intervenor in Civil Application No. 3297 of 2019 submits that, the respondent No. 4 represented by Mr. Patil cannot be represented by Mr. K. N. Patil as he is not President and President is one Mr. Rajendra Ramrao Kadam. There is dispute amongst the management and the dispute is pending before the Assistant Charity Commissioner. Earlier this Court passed order in Writ Petition No. 6073 of 2013 dated March 13, 2014 and Writ Petition No.

4998 of 2012 dated 25th July, 2012 to consider granting rights to the senior most teacher for submitting proposal for payment of salary.

5. The application for intervention also states that if there is dispute in the management, the Education Officer has to take decision about the appointment of teaching and non teaching staff.

6. It is not disputed by all the parties that the dispute amongst members of the management exists. The change report proceedings are pending.

7. In the light of that, the Education Officer shall take decision with regard to the grant of pay scale to the petitioner as Head master, so also consider the case of approval to the appointment of the petitioner as head master on it's own merits, in accordance with G. R. dated 09th August, 2010 and government communications dated 21.01.2010 and 06th March, 2010 on its own merits, expeditiously.

8. The writ petition along with civil application are disposed of.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]