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

WRIT PETITION NO. 11247 OF 2018

Apang Kalyankari Shikshan
Sanstha va Sanshodhan Kendra
Wanwadi, Pune through its President and Anr. ... Petitioners

V/s.

The State of Maharashtra through the
Secretary and Ors. ... Respondents

Mr. Vilas Sonawane for the Petitioners.
Ms. Nisha Mehra, AGP for the Respondent s 1 to 5
Mr. Drupad Patil I/b. Pavan Patil for Respondent 6.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.***

DATE : 15 APRIL 2019.

P.C. :-

1. Heard learned Counsel for the parties.
2. The Petitioner, registered under the Bombay Port Trust Act, 1950 is aggrieved by the directions issued to it vide order dated 26.07.2016 passed by Respondent No.2 and the subsequent order

dated 12.07.2018 requiring the Petitioner to absorb Respondent No.6 as the headmaster of a school established by the Petitioner for differently abled persons. The pleadings in the Writ Petition are to the effect that Respondent No.6 is an undesirable person and is not fit to be the headmaster of a school for differently abled children.

3. Conceded Respondent No.6 has filed a Writ Petition No. 1934 of 2017 before the Aurangabad Bench of this Court seeking implementation of the orders which the Petitioner impugns in the present Writ Petition.

4. The Petitioner is a party Respondent in the Writ Petition filed by Respondent No.6. The said Writ Petition was filed prior in point of time when instant Petition was filed.

5. It is obvious that the fulcrum of the lis is the suitability of Respondent No.6 to be appointed as a headmaster of the Petitioner.

6. In our opinion, the present Writ Petition is misconceived for the reason the Petitioner, as Respondent in the Writ Petition filed by Respondent No.6, can oppose the pleas of said Respondent in the Writ Petition filed by Respondent No.6.

7. The Show Cause Notice is discharged. The Petition is disposed of without adjudication; clarifying that the facts noted by us are to justify the closure of the proceedings in the Writ Petition. We have not commented upon the merits of the controversy.

N.M. JAMDAR, J.

CHIEF JUSTICE