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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11479 OF 2015

Shivtej Krida and Shikshan Mandal
& Anr.

.. Petitioners

Vs.

The Administrative Officer,
School Board and Ors.

.. Respondents

WITH
WRIT PETITION NO. 9163 OF 2016

Shivtej Krida and Shikshan Mandal

.. Petitioner

Vs.

The Administrative Officer, School
Board and Ors.

.. Respondents

None for the petitioner in WP/11479/2015.

Mr. Sanjiv Sawant for petitioner in WP/9163/2016.

Mr. M. M. Pabale, AGP for State.

CORAM: PRADEEP NANDRAJOG, CJ. &
N. M. JAMDAR, J.

JULY 02, 2019.

P.C.

1. The two captioned petitioners are being disposed of by a singular order because they raise the same issue.

2. Shivtej Krida and Shikshan Mandal, a recognized aided institution, has established primary schools within the jurisdiction of Pimpri-Chinchwad Municipal Corporation and one such school is named “Kailaswasi Bahusaheb Tapkir Primary School”. One Mrs. Ulka Jagdale was appointed as the Headmistress. Her name was sent for approval to the appropriate authority. It appears that the lady was not the senior-most Assistant Teacher and the school took the stand that other Senior Assistant Teachers were not willing to act as the Headmistress thus approval was granted by the competent authority to the proposal sent. It appears that there was extreme resentment amongst the teachers in the school resulting in approval granted to Mrs. Ulka Jagdale to function as the Headmistress being withdrawn. She challenged the said order in Writ Petition No. 8978 of 2014. No interim relief was granted to her. The petition awaits adjudication in this court.

3. In the meanwhile, the school authorities appointed Mrs. Jayashree Jalindar Pawar as the Headmistress In-charge and even this led to a dispute on account of teachers claiming that even Mrs. Jayashree Pawar being not the senior-most Assistant Teacher could be made the Headmistress In-charge of the school. Two communications dated 9 November 2015 and 10 December

2015 took away the authority of Mrs. Jayashree Pawar to function as the In-charge Headmistress of the school.

4. By way of Writ Petition No. 11479 of 2015, the school and Mrs. Jayashree Jalindar Pawar lay a challenge to the order dated 9 November 2015.

5. By way of Writ Petition No. 9163 of 2016, the school lays a challenge to the order dated 10 December 2015.

6. Regretfully, neither petitions could be taken up for preliminary hearing till today.

7. Learned counsel for the petitioner – Mandal informs that notwithstanding the impugned orders being passed the competent authority has been recognized Mrs. Jayashree Jalindar Pawar as the In-charge Headmistress and all communications with the competent authority are being done by the lady on behalf of the school.

8. In that view of the matter, we dispose of the petitions directing that till the issue of seniority of teachers in the school is resolved by the Administrative Officer, School Board, Pimpri-

Chinchawad Municipal Corporation, Mrs. Jayashree Jalindar Pawar would be permitted to continue to function as the Headmistress. Needless to state that this would be subject to such orders which Mrs. Ulka Jagdale may obtain in the writ petition filed by her.

9. No costs.

N. M. JAMDAR, J.

CHIEF JUSTICE