

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

WRIT PETITION NO. 12497 OF 2019

Anjuman Faroge-E-Taleem Maulvi Ganj, Dhule
Through its President and another

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Shailesh P. Brahme & Mohit S. Shah, Advocate for the Petitioners.

Mrs. M. A. Deshpande, Addl. G. P. for Respondent Nos. 1 and 2.

Mr. Uday D. Dalvi, Advocate for Respondent No. 3.

Mr. Syed Azizoddin, Advocate for Respondent No. 3.

Mr. Ramesh R. Mantri, Advocate for Respondent No. 4.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 02nd MARCH, 2020.

PER COURT:-

. The petitioners assail the order granting right to the present respondent No. 4 to sign the documents and to perform the work on temporary basis as In-charge Headmaster.

2. The learned counsel for the petitioners submits that the management has forwarded the proposal of the petitioner no. 2 seeking approval to his appointment as a Headmaster. Instead of deciding the said proposal the Education Officer has allowed the respondent No. 4 to discharge his duty as In-charge Headmaster. The same is erroneous. The Education Officer should decide the proposal forwarded by the petitioner no. 1. The persons above the petitioner no. 2 have given their no objections.

3. Two lawyers are appointed for respondent No. 3 and claiming to be secretaries of respondent No. 3. One group affirms that proposal has been submitted seeking approval to the appointment as Headmaster. It is further submitted that change reports are pending consideration with the office of the Charity Commissioner.

4. In such a scenario where dispute exists among the members of the management and two parallel proposals are forwarded seeking approval to the appointment of the two persons as Headmaster, the Education Officer has not committed any error in directing the senior amongst them to sign the salary bills and the documents.

5. It is for the parties to get decision on the change reports and also apply for provisional acceptance of change reports as contemplated in amended provision under Section 22 of the Maharashtra Employees of Private School (Regulation) Act.

6. Considering the aforesaid conspectus of the matter and the fact that only temporary powers of signing the documents have been given to the respondent No. 4, we are not inclined to interfere at this stage.

7. Writ petition, as such is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

RS.B.