

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3111 OF 2020

1. Anusaya Sevabhavi Sanstha Kanddhar,
Tq. Kandhar, Dist. Nanded,
Through its Secretary,
Gopalkrushna Govindrao More,
Age : 53 years, Occ. Secretary,
R/o Loha, Tq. Loha, Dist. Nanded

2. Uttam s/o Vitthalrao Jadhav,
Age : 46 years, Occ. Service,
R/o Sonkhed, Tq. Loha,
Dist. Nanded

..PETITIONERS

VERSUS

1. The State of Maharashtra,
Through Principal Secretary,
School Education Department,
Mantralaya, Mumbai-32
2. The Deputy Director of Education,
Latur Region, Latur
3. The Education Officer (Secondary),
Zilla Parishad, Nanded
4. Kalidas s/o Shivajirao Patil,
Age : 42 years, Occ. Nil,
R/o Kasral, Tq. Udgir,
Dist. Latur

..RESPONDENTS

Mr V.D. Salunke, holding for Mr B.B. Shinde, Advocate for petitioners;
Mr S.R. Yadav-Lonikar, AGP for respondent Nos.1 to 3;
Mr G.A. Gadhe, Advocate for respondent No.4

**CORAM : RAVINDRA V. GHUGE
AND
S.G. MEHARE, JJ**

DATE : 28th July, 2021

P.C.

1. By a direction of this Court (Coram : S.V. Gangapurwala & Anil S. Kilor, JJ.), in the order dated 3.9.2019 passed in Writ Petition No.4642 of 2019 filed by Kalidas Shivajirao Patil & ors. Vs. The State of Maharashtra & ors., this Court concluded in paragraph 6 that the impugned order revoking the approval granted to respondent no.4 herein Kalidas Shivajirao Patil to work as in-charge Head Master, is without taking into consideration the stands of all the parties. The impugned order dated 18.3.2019 was, therefore, quashed and set aside and the Education Officer Shri M.S. Salgar, who is the in-charge Education Officer (Secondary) in the absence of a regular Education Officer (Secondary), was directed to consider all the contentions of the respective sides by hearing the parties afresh. The date for appearance before his office was also scheduled on 11.9.2019. The Education Officer was directed to decide the issue by taking into account all the contentions of the parties. It is in this backdrop that the impugned order dated 19.12.2019 has been passed.

2. We have been hearing the exhaustive submissions of the learned Counsel for the respective parties on 20.7.2021, 27.7.2021 and again today. The learned A.G.P. submits on instructions from the in-charge Education Officer Shri M.S. Salgar who is present in the Court that he has realized that the impugned order which runs into about two pages, is bereft of reasons. 3/4th of the order is dedicated to narration of various legal proceedings and his conclusion is in two sentences running into four lines. Since we expressed our dissatisfaction, the learned A.G.P. has had a discussion with the concerned Education Officer and today, the Education Officer voluntarily

submits that he is withdrawing the impugned order dated 19.12.2019 and would pass a reasoned order after considering the submissions of all the parties.

3. Since the impugned order is being withdrawn, this petition need not be kept pending. However, the purpose for which this Court had passed the order on 3.9.2019, has to be achieved.

4. As such, this petition is disposed off in view of the impugned order having been withdrawn. In the interest of justice and to ensure that the Education Officer passes a reasoned order, we are issuing the following directions:-

- a) The petitioners and respondent no.4 shall appear before the Education Officer on 5th August, 2021, at 3.00 p.m.
- b) These parties are at liberty to tender their written notes of submissions setting out all the grounds on which they base their stands.
- c) After the written notes are submitted, no ground outside the ambit of the written notes would be permitted to be canvassed.
- d) The Education Officer is at liberty to hear the brief oral submissions of the parties on 5th August, 2021 and thereafter post the matter on suitable dates on which further submissions may be recorded, if the parties do not conclude their submissions on 5th August, 2021.

- e) We are granting sufficient time to the Education Officer from 5th August, 2021 till 15th September, 2021 for recording the submissions of the parties. If required, he may also take urgent guidance from any superior officer and in such a case, the superior officer will keep in mind the time frame granted to the Education Officer and will assist him with utmost promptitude.
- f) After the matter is closed for orders on or before 15th September, 2021, as the case may be, the Education Officer will pass a reasoned order keeping in view the directions of this Court set out in the order dated 3rd September, 2019. Needless to state, the Education Officer will deal with the aspect of Kalidas Shivajirao Patil having been terminated from service on 19th March, 2018 and as to whether there is any further order by any Court or authority or the management suspending/staying the termination order, re-calling the termination order, reinstating Kalidas Patil in his earlier position, etc. as the basis of permitting Kalidas Patil to continue to officiate as the Head Master. Needless to state, if the conclusion is in the negative, the Education Officer shall then proceed to decide as to who can be appointed as the in-charge Head Master of the school, on the basis of seniority, so as to ensure that the interests of education, the students and the teaching and non-teaching staff, are not jeopardized.

- g) The litigating parties have been granted the liberty to raise all their contentions before the Education Officer through their written notes of submissions.

[S.G. MEHARE, J.]

[RAVINDRA V. GHUGE, J.]

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