

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2102 OF 2021

ALONGWITH
WRIT PETITION NO. 3848 OF 2021

Shetkari Shikshan Mandal, Dholgarwadi
Tal. Chandgad, Dist. Kolhapur & Ors. Petitioners
VERSUS
The State of Maharashtra & Ors. Respondents

ALONGWITH
INTERIM APPLICATION NO. 1613 OF 2021
IN
WRIT PETITION NO. 2102 OF 2021

Tanaji Satuppa Waghmare Applicant

IN THE MATTER BETWEEN

Shetkari Shikshan Mandal, Dholgarwadi
Tal. Chandgad, Dist. Kolhapur Petitioner
VERSUS
The State of Maharashtra & Ors. Respondents

Mr.S.A.Rajeshirke for the Petitioners in both writ petitions.

Mr.Prashant Bhavake for the Applicant in IA/1613/2021.

Mrs.P.J.Gavhane, A.G.P. for the State in WP/2102/2021.

Mr.N.C.Walimbe, A.G.P. for the State in WP/3848/2021.

CORAM: R. D. DHANUKA AND
R.I.CHAGLA, JJ.
DATE : 9th AUGUST, 2021

P.C:-

By Writ Petition No.2102 of 2021, the petitioner has impugned

the order/letter dated 5th March, 2021 issued by the respondent no.2 and letter dated 25th March, 2021 issued by the respondent no.3 to the respondent no.4.

2. In Writ Petition No. 3848 of 2021, the petitioners have impugned the order/letter dated 23rd June, 2021 issued by the respondent no.6.

3. Interim Application No.1613 of 2021 is filed by the applicant *inter alia* praying for impleadment in the Writ Petition No.2102 of 2021.

4. We are informed by the learned counsel for the parties that the order dated 5th March, 2021 which is subject matter of the Writ Petition No.2102 of 2021 is already stayed by the Director of Education (Secondary and Higher Secondary) vide order dated 4th August, 2021 and those proceedings are still pending before the State Authority.

5. Insofar as order dated 23rd June, 2021 passed by the respondent no.6 which is subject matter of the Writ Petition No. 3848 of 2021 is concerned, our attention is invited to the order dated 30th July, 2021 passed by the Joint Charity Commissioner, Kolhapur Region, Kolhapur below Ex.5 in the proceedings filed by the petitioner in the Application No. 10 of 2021 which has stayed the said order dated 23rd June, 2021

passed by the Education Officer, Zilla Parishad, Kolhapur. The said proceedings are also pending before the Joint Charity Commissioner, Zilla Parishad.

6. In our view, the interest of justice would be met with if both these proceedings which are pending before two different authorities and which relate to the subject matter of these petitions are disposed of expeditiously after hearing the petitioner and the applicants in the Interim Application No. 1613 of 2021. Interim Application No. 1613 of 2021 is allowed in terms of prayer clause (a).

7. We have heard Mr.Rajeshirke, learned counsel for the petitioner while disposing of the both these petitions.

8. The Director of Education (Secondary and Higher Secondary) who has passed the order dated 4th August, 2021 and the Joint Charity Commissioner, Kolhapur Region, Kolhapur who is ceased of the Application No. 10 of 2021 shall dispose off both these applications after hearing the petitioner and the applicant in Interim Application No.1613 of 2021 and in accordance with law within 12 weeks from today.

9. It is made clear that if any of the Authorities proposes to vacate the interim order as aforesaid granted to the petitioner, such order shall

not be implemented for a period of two weeks from the date of the communication of the said order. The order that would be passed shall be communicated to the petitioner as well as to the intervenor within one week from the date of passing of the said order.

10. The aggrieved party would be at liberty to file appropriate proceedings.

11. We have not expressed any views on the merits of the matter.

12. All the contentions of both the parties including the contentions of the intervenor on the issue of maintainability of the application filed by the petitioner before both authorities are kept open.

13. The petitioner is directed to convey this order to both the parties for information and compliance.

14. Both the writ petitions are disposed of in the aforesaid terms. No order as to costs.

[R.I.CHAGLA, J.]

[R.D.DHANUKA, J.]