

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.1895 OF 2021

1. Baban s/o. Waman Thakre,
Aged about 46 years, Occ. Service,
r/o. Gulhati Layout, Shiv Pratap
Nagar, Washim.
- 2.Syadwad Education Society Ansing,
Through its President Dharamchandra
Kundlsa Walali, At Post Ansing, Tq.
and District Washim.

..... PETITIONERS

// VERSUS //

- 1.Deputy Director of Education,
Amravati Division, Tope Nagar,
Amravati – 444 602.
(E-mail : dydamt@gmail.com)
- 2.Education Officer (Secondary),
Zilla Parishad, Washim.
- 3.Adityakumar s/o. Hukumchand
Walali, Aged about Adult, Occ. Nil,
At Post Ansing, Tq. and District
Washim.

..... RESPONDENTS

Mrs.Renu Sirpurkar, Advocate for the petitioners.
Mr.N.R.Patil, A.G.P. for respondent nos. 1 and 2.
Mr.A.R.Deshpande, Advocate for respondent no.3.
Mr.P.R.Agrawal, Advocate for proposed Intervenor.

CORAM : SUNIL B. SHUKRE &
VINAY JOSHI, JJ.

DATE : 20.9.2021.

ORAL JUDGMENT (Per Sunil B. Shukre, J) :

1. Rule. Rule made returnable forthwith. Heard finally by consent.

2. On going through the impugned order dated 4.5.2021, we find that although hearing has been granted to the Secretary of Syadwad Education Society, this hearing is actually granted to respondent no.3, who is said to be Secretary of the Society and who has made a complaint of making of irregular appointment by the President of petitioner no.2/Society. As such, the impugned order does not show that such hearing was granted to the Education Society as would have been sufficient to show respondent no.1 could have come to the conclusion that there existed a real dispute amongst the Office bearers of the Education Society and this dispute was of such a

nature as would impact one way or the other the appointment made by one faction of the Society. In these circumstances, granting hearing to the President of the Society was absolutely necessary. It was also necessary for the respondent no.1 to ascertain as to how many factions amongst the Office bearers of the Education Society are there in the Society and whether the policy decisions including the decision regarding making of appointment to the post of Head Master, are taken by the recorded Office bearers or not. All these aspects of the matter, as seen from the impugned order, are ignored completely by respondent no.1. Therefore, such an order cannot sustain the scrutiny of law and it must go.

3. The petition is, therefore, allowed. The impugned order is hereby quashed and set aside. The matter is remanded back to respondent no.1 for fresh decision in accordance with law, after granting an opportunity of hearing to both the petitioners, Complainant and also other Office bearers who are claiming, if any, that there is a dispute amongst the members of the Society.

The respondent no.1 shall decide the matter within a period of two weeks from the date of appearance of parties before him.

Parties shall appear before respondent no.1 on 27th September, 2021.

As the intervenor can pursue his cause of action independently, Civil Application No.786 of 2021 for intervention is disposed of.

Rule accordingly. No costs.

JUDGE

JUDGE

jaiswal