

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

WRIT PETITION NO. 2033 OF 2021

The Cultural Education Society,
through its Secretary,
Sumukh Diwakar Varadpande,
aged about 70 years, agriculturist,
resident of Samarth Nagar (East),
Ajni Square, Wardha Road, Nagpur.

.... **PETITIONER.**

// VERSUS //

1. The Education Officer (Primary),
Zilla Parishad, Nagpur, Civil Lines,
Nagpur.
2. Deputy Director of Education(Primary),
Nagpur Division, Nagpur,
Civil Lines, Nagpur.
3. Anita Rajendra Vairagade,
Aged 52 years, Occu.: Teacher,
R/o. 3rd Floor, C-Wing, Gandhi Gate,
Mahal, Nagpur.

.... **RESPONDENTS.**

Shri V.S.Bapat, Advocate for Petitioner.
Shri Shaikh Majid, Advocate for Respondent No.1.
Ms Ketki Joshi, G.P. for Respondent No.2.
Shri Akshay Joshi, Advocate for Respondent No.3.

CORAM : **SUNIL B. SHUKRE AND**
 ANIL S. KILOR, JJ.

DATED : **AUGUST 23, 2021**

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

1. Heard.
2. **RULE.** Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.
3. The bone of contention between the Management on one hand and the respondent Nos. 1 and 3 on the other is that the respondent No.1 has given temporary charge of the post of Headmaster to respondent No.3 illegally, there being no proposal sent in that regard by the Management of the school i.e. the petitioner.
4. The reply filed by the Education Officer now has clarified the position. The reply discloses that in the school there are only two teachers, who are working. Respondent No.3-Ms Anita Rajendra Vairagade is senior most and Ms Pranali Kharbade is a teacher who is next to her, as informed across the bar by the learned counsel for the respondent No.1 and also respondent No.3. The learned counsel for the respondent No.3 submits that Ms Pranali Kharbade, next senior most teacher, has given her no objection for temporarily appointing Ms Anita Vairagade as In-charge Headmistress. This position is not disputed by the petitioner. The petitioner also does not dispute that it

sent no proposal regarding giving of temporary charge of the post of Headmaster to anybody.

5. In this fact situation, the objection taken by the petitioner that, the respondent No.1 ought not to have temporarily appointed Ms Anita Vairagade as temporary Headmistress, is too technical. In fact, if this objection is upheld by this Court, it would result in rendering the administration handicapped, in the sense that the administration would not be able to carry on even routine affairs of the school, like payment of salary, grant of leave and so on. Even otherwise, when the next senior most teacher has already given no objection for giving charge of the post of Headmaster to Ms Anita Vairagade, there is no other option left but to choose Ms Anita Vairagade for giving of such temporary charge.

6. In these circumstances, we find no substance in the petition. The petition stands **dismissed**. No costs.

Rule is discharged.

(ANIL S. KILOR, J)

(SUNIL B. SHUKRE, J.)