

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

**WRIT PETITION NO.2022 OF 2021
WITH CA/807/2022 IN WP/2022/2021**

Sayyed Jaweed Ali s/o Sayyed Kasim Ali
Age : 56 years, occ : service as I/c Headmaster,
Madinatul Uloom Higher Secondary School
and Junior College,
R/o Faiuhom Complex, Degloor Naka,
Nanded.

Petitioner

Versus

1. The State of Maharashtra
Through Secretary,
Department of School Education,
Mantralaya, Mumbai – 32.
2. The Education Officer (Secondary),
Zilla Parishad, Nanded.
3. President, Managing Committee,
Madarse Madinatul Uloom,
Jagjivan Ram Road, Degloor Naka,
Nanded.
Through President
Shafi Ahmed Kureshi

Respondents

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Mr. R.O. Awasarmal, Advocate for the petitioner.
Smt. R.P. Gaur, A.G.P. for respondent Nos. 1 and 2.
Mr. T.A. Qureshi, Advocate for respondent No. 3.

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**CORAM : C.V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 14 JUNE 2022

ORAL JUDGMENT (PER C.V. BHADANG,J.) :

Rule. Rule made returnable forthwith. The learned Counsel for the respondents waive service. Heard finally by consent of the parties.

2. By this petition, the petitioner is seeking direction to the second respondent – Education Officer to grant permanent approval in favour of the petitioner for the post of Headmaster on the establishment of Madinatul Uloom Higher Secondary School and Junior College w.e.f. 1 September 2020.

3. We have heard the learned Counsel for the parties.

4. It appears that by a communication dated 24 September 2020, the Education Officer (Secondary), Zilla Parishad, Nanded has granted a limited approval to the appointment of the petitioner inasmuch as the petitioner has been authorised to sign the salary bills of the teaching and non-teaching staff of the school. The communication states that the post of the Headmaster had fallen vacant on account of retirement of Smt. Sayyed Samina Anjum on 31 August 2020 and stipulates that the Management should take steps for appointment of the Headmaster

as per rules.

5. During the course of the hearing, it transpires that the Education Officer is not disputing that the petitioner is the senior most Assistant Teacher in the school. The learned A.G.P. pointed out that there is a dispute amongst the Management and a Change Report is pending before the Charity Authorities in Enquiry No.636/2019. The learned Counsel for the petitioner has taken us through the order dated 15 January 2020 passed by this Court in Writ Petition No. 999 of 2019 by which this Court had directed the Education Officer to accept the proposal for grant of approval to the Headmistress based on the order dated 21 September 2019 in Enquiry No.636/2019. It appears that by the said order dated 21 September 2019, the Assistant Charity Commissioner, in order to avoid any complications, has provisionally accepted the Change Report imposing certain conditions.

6. We find that this Court, taking note of the said order, had previously directed the Education Officer to consider the proposal, and therefore, we propose to pass a similar order in this petition.

7. In the result, the Education Officer is directed to consider the proposal for grant of permanent approval to the appointment of the petitioner as a Headmaster, if the Education Officer finds that the proposal is submitted by the persons who are authorised to act as per the interim order dated 21 September 2019 in Enquiry No. 636/2019, in accordance with law. The Education Officer shall take a decision within a period of six weeks from today.

8. The petition is disposed of in the aforesaid terms. The pending Civil Application stands disposed of accordingly.

SANDIPKUMAR C. MORE, J.

C.V. BHADANG, J.