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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

921 WRIT PETITION NO.1800 OF 2022
WITH
CONTEMPT PETITION NO.73 OF 2022

ANAGHA SUDHIR KURUMBHATTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. S.M. Kulkarni, Advocate for Petitioner;
Mrs. M.A. Deshpande, A.G.P. for respondent/State;

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

DATE : 4th March, 2022

P.C.

1. Call for the file in Contempt Petition No.73 of 2022 which is connected with this petition. Taken on board.
2. We have considered the grievance of the learned Advocate for the petitioner who fairly states on the basis of the record that respondent no.6 is the senior-most lady Teacher in the Pratibha Niketan Education Society, Nanded. She was working in another school. Being senior-most lady Teacher, she was promoted as the Head Mistress of the Pradnya Niketan Girls School, Nanded which

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had a vacancy, under the orders of the Education Officer though the management had recommended the case of the petitioner.

3. We have perused our order dated 1st December, 2021 in Writ Petition No.7494 of 2021 filed by the present petitioner. We had passed the following order:-

“1. We have considered the submissions of the learned Advocate for the respective sides. It is undisputed that the learned Jt. Charity Commissioner has passed a detailed order dated 01/07/2019 in suo-motu application No.166/2018 and has appointed 3 persons as temporary trustees of the concerned Trust. They are presently managing the affairs of the Trust.

2. It is undisputed that the Pratibha Niketan Education Society, Nanded conducts 2 schools, out of which one school namely Pradnya Niketan Girls High School, Holi is exclusively for the girl students. The Law mandates that the senior most lady teacher, subject to her consent, has to be appointed as the Head Mistress of such a school.

3. In view of the above, this petition is disposed off directing the said Committee of 3 trustees to recommend the name of the senior most lady teacher appearing in the seniority list dated 01/07/2020 placed

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at page No.24 in the memo of the petition, to the Education Officer / respondent No.3, on or before 15/12/2021. Thereafter, the Education Officer shall follow the procedure laid down in Law and appoint the eligible senior most lady teacher who has consented, as the Head Mistress of the Pradnya Niketan Girls High School, Holi. After such order is passed on or before 30/12/2021, respondent No.7 who is presently the In-charge Head Master, shall hand over charge to the Head Mistress. He is agreeable.

4. Pending civil application filed by one of the trustees, would not survive. Hence, it stands disposed off.

5. Similarly, CA No.11310/2021 also stands disposed off.”

4. The learned Advocate further submits that the present petitioner is now recommended as the Head Mistress of Pratibha Niketan High School in Nanded District itself and the said proposal is pending with the Education Officer.

5. In view of the above, we do not see any illegality having been committed by the Education Officer. The petition is disposed off.

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6. We expect respondent no.3 Education Officer (Secondary) to grant the proposal of the petitioner within two weeks from today, in the event of there being no legal impediment.

7. In view of the above, Contempt Petition No.73 of 2022 is disposed off at the request of the petitioner.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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