

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

932 WRIT PETITION NO.1817 OF 2022

SAKHARAM RAGHUNATH KULKARNI
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...
Advocate for the petitioner : Mr.V.D.Patnurkar
AGP for Respondent-State : Mr.A.R.Kale
...

**CORAM : S.V.GANGAPURWALA &
S.G.DIGE, JJ.**

DATE : 17.02.2022

P.C. :

1] We have heard learned counsel for the petitioner.

2] According to the learned counsel for the petitioner, the erstwhile management was not empowered to take policy decision as per the order passed by the office of the Assistant Charity Commissioner, still appointments of Shikshan Sevaks, Assistant Teachers and employees were made in the school run by Janta Shikshan Prasarak Mandal, Umardari.

3] The approvals were granted to these employees in between 2006 to 2009. Whenever the Education Officer

grants approval, presumption is that the approval has been granted after considering qualification, by adhering to the provisions, staffing pattern and roster. No specific allegation against any of the employees is made in the petition. It is nowhere pleaded that an employee been granted approval, though not possessing necessary qualification or that appointment is not as per the roster or that the post was not available.

4] It appears that there is dispute amongst members of the management. In view of the dispute inter-se amongst the members of the management, we are not inclined to entertain the petition at the cost of the employees, whose services were approved prior to 12-15 years. It is for the petitioner to prosecute his application in accordance with law.

5] Against the members of the management, the parties are free to approach the office of the Charity Commissioner in accordance with law.

6] Writ Petition is disposed of. No costs.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]