

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**932 WRIT PETITION NO.8207 OF 2021
WITH CA/5271/2022 IN WP/8207/2021**

APPARAO SAHEBRAO HAKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. V. S. Panpatte
AGP for RespondentNos. 1 and 2 :Mr. S.G. Sangle
Advocate for Respondent No. 3 : Mr. Irfan D. Maniyar

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

DATE : 12th APRIL, 2022

PER COURT :-

1. Respondent No. 3 is the Education Society, who is the employer of the petitioner and who is empowered to appoint headmasters. It is answerable through it's President- Secretary.
2. The learned Advocate for the petitioner desires to delete respondent No. 3, which leave has been granted on 1st October, 2021. He submits that he will delete respondent No. 3 immediately. The deletion to be carried out forthwith considering our order dated 1st October, 2021.
3. We cannot direct the Education Officer to decide as to who is to be appointed as the headmaster and is to be approved, without the assistance of the Education Society.

4. The learned Advocate for the petitioner was preempted by our order dated 01-10-2021 that if, the effect of deletion of respondent No. 3 affects the result of the petition, the petition would be dismissed. Despite the same, he insisted today for seeking deletion of respondent No. 3.

5. The proposal of the petitioner for being recommended as the headmaster, has to flow through the Educational Institution. The Education Officer cannot *suo-moto* decide as to who should be the headmaster. The Education Institution has to suggest the name of the eligible senior-most teacher, who consents to be the headmaster, in its proposal to the Education Officer. In the absence of the Education Institution, such direction cannot be issued.

6. In view of the above, since respondent No. 3 has been deleted, this petition stand dismissed. Pending civil application does not survive and stands disposed off.

7. Nevertheless, we leave it open to the petitioner to approach his management with his claim for appointment as a headmaster.

(S.G. DIGE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE