

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

24 WRIT PETITION NO. 1073 OF 2021

**RANGNATH GANAPATRAO KALE
VERSUS
THE STATE OF MAHARASHTRA & OTHERS**

...
Advocate for the petitioner : Mr.Rakesh C. Bramhankar h/f.
Mr.N.L.Jadhav
AGP for Respondent-State : Mr.P.K.Lakhotiya
...

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

DATE : 18.04.2022

P.C. :

1. By this petition filed by the Incharge Headmaster of the Lokmanya Vidyalaya, Andhora, Taluka Kallam, District Osmanabad, he has put forth prayer clause-B, which reads as under:-

(B) The respondent No. 1 to 5 may kindly be directed to promote the petitioner on vacant post of Head Mater of Respondent no. 5 and grant approval to the post of Head Master in the Lokmanya Vidyalaya, Andora, Tal. Kallam, Dist. Osmanabad, within period of two months.

2. Despite service of court notice on respondent no.5 management, no appearance has been entered.

3. We have perused an earlier judgment dated 28.02.2003 delivered by this Court [Coram : B.H.Marlapalle & V.S.Munshi, JJ.] in Letters Patent Appeal No. 69/2003 in Writ Petition No.1396/2001 filed by Jijamata Shikshan Prasarak Mandal, Andhora, vide which this Court had appointed the then Incharge Headmaster Shri Shivaji Keshavrao Ingale to be the Headmaster-cum-Administrator of Lokmanya Vidyalaya, Andhora until the interse disputes between the Managing Committee are finally resolved.

4. We are informed that the said Headmaster officiated as Administrator for almost 15 years and has now retired.

5. Considering the above, we are directing the petitioner to add the Assistant Charity Commissioner, Osmanabad as respondent no.6. Addition be carried out

forthwith. Issue notice to the added respondent. Learned AGP waives service of notice for the added respondent.

6. Considering the above issue and the fact that the petitioner is presently working as Incharge Headmaster, who prays for regular appointment as approved Headmaster in view of the experience of the earlier Headmaster Shri Shivaji Keshavrao Ingale who remained an Incharge Headmaster and Officiating for more than 15 years, that we are issuing the following directions :

a) The learned Assistant Charity Commissioner, Osmanabad shall appoint the present petitioner, presently Incharge Headmaster, as an Administrator of Lokmanya Vidyalaya, Andhora,

b) conduct the elections for the said trust either by himself or through a responsible Officer deputed by him, by considering the available records of the trust and by following due process of law, preferably on or before 31st July, 2022.

c) Needless to state, the elected body thereafter would be at liberty to consider the senior most eligible teacher of the Lokmanya Vidyalaya, Andhora and recommend the said person for appointment as a regular Headmaster to the Education Officer (Secondary) preferably within two months after the elections.

d) Compliance report of this order shall be placed before us through the learned Registrar (Judicial) of this Court after the elections are held.

7. This petition is disposed off.

[S.G.DIGE, J.]

[RAVINDRA V. GHUGE, J.]

DDC