

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8825 OF 2022

BAPURAO RANGNATH PANCHAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND ANOTHER

...
Advocate for the Petitioner : Shri Kulkarni Girish N. (Mardikar)
AGP for the Respondents/State : Shri P.S. Patil
...

CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.

DATE :- 29th August, 2022

Per Court :-

1. The petitioner has put forth prayer clauses B and C
as under:-

- “B) To issue writ of certiorari to quash and set aside impugned order/ communication dated 02.08.2021 (Exhibit D) issued by the respondent No.2 Education Officer, Secondary, Zilla Parishad, Parbhani.
- C) To issue writ of mandamus and direct respondent No.2 Education Officer Secondary Zilla Parishad Parbhani to decide the proposal for grant of approval to the services to the petitioner as Head Master of High School Omkareshwar Secondary and Higher Secondary High School, Tridhara (Kshetr), Tq. And Dist.Parbhani, within stipulated time and grant approval to services of the petitioner as

Head Master and to grant consequential benefits to the petitioner, within stipulated time.”

2. The grievance of the petitioner is that he being the senior-most teacher in the school, should have been given the power to sign the salary bills and also should have been appointed as the Headmaster. A candidate, namely, Shri R.S.Kakde, who is at Sr.No.2, has been given the charge of signing the salary bills for the period 01.06.2021 till 30.11.2021. He is unofficially continuing on the same post.

3. Neither the School, nor Shri Kakde have been arrayed as the respondents. We, therefore, cannot consider prayer clause B.

4. The learned advocate for the petitioner submits, on instructions, that the representation at page 23 in which, he has requested the Education Officer to consider his candidature for the post of the Headmaster, dated 27.08.2021, is pending. He prays that the said representation may be considered by the Education Officer. He also desires to place additional documents before the Education Officer.

5. In view of the above, this Writ Petition is disposed

off.

6. Let the Education Officer (Secondary), Zilla Parishad, Parbhani, deal with the representation of the petitioner dated 27.08.2021, on its own merits and by giving an opportunity of hearing to the Management as well as Shri R.S.Kakde and all other teachers, who may be stakeholders. The petitioner is also permitted to place additional documents before the Education Officer. Let such exercise be completed on or before 21.10.2022.

kps (ARUN R. PEDNEKER, J.) (RAVINDRA V. GHUGE, J.)