

(1)

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

922 WRIT PETITION NO.12496 OF 2021

**TULSHIRAM BABURAO PANDHARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Mr G. A. Gadhe, Advocate h/f Mr Jitendra Patil, Advocate for
petitioners;
Mr P. K. Lakhotiya, A.G.P. for respondent Nos. 1 to 4
Mr A. G. Talhar, Advocate for respondent No.5

**WITH
WRIT PETITION NO. 2786 OF 2022**

**EAST KHANDESH EDUCATION SOCIETY AND ANR.
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Mr A. G. Talhar, Advocate for petitioners
Mr P. K. Lakhotiya, A.G.P. for respondents/State

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

DATE : 30th March, 2022

PER COURT:

1. We have spent almost 45 minutes in a hearing on these two matters, even upto late hours, as our intention is only to ensure that an Educational Institution, which claims to be in existence for more than 100 years and which is at the doorstep of disaster, should be rescued from being disintegrated. We do see that the teachers as well as the Trustees of the Management are at

(2)

loggerheads to such an extent that there are offences registered even against the teachers by the Trustees and it appears that barring Shri. Vijay Rokade, almost 16 senior most teachers have some offences against them. Shri. Vijay Rokade was already the In-charge Headmaster of the School since 01/07/2019.

2. Since Writ Petition No.2786/2022 is not before this Court as per the present assignment, we are not dealing with the same.

3. In Writ Petition No.12496/2021, filed by 39 teachers, we have noticed that their request is only for appointment of, initially an in-charge Headmaster and, as soon as possible, a regular Headmaster. An Administrator was appointed on this school and the said issue is subjudice before a coordinate Bench of this Court and such appointment has been kept in abeyance.

4. In Writ Petition No.2786/2022, the Management has assailed the order dated 16/11/2021, passed by the Education Officer (Secondary), vide which, he has declined to consider the proposal sent by the Management dated 15/03/2021, since he noticed that person who has been suggested for appointment as the Headmaster is at Sr. No. 29 today. Earlier when the name was suggested/recommended, he was at Sr. No. 33.

5. The learned Advocate representing the teachers submits on instructions that, Shri. Vijay Rokade can be considered as an In-charge Headmaster initially for a period of six months. The learned Advocate representing the Education Society submits on instructions that, earlier Shri. Vijay Rokade was the In-charge Headmaster and there could be no difficulty in continuing him in the same capacity, keeping in view that the Income Tax Department, through the Office of Income Tax Officer, TDS Ward, Jalgaon, has addressed the School by a communication dated 25/08/2021 as regards TDS Rule having not been followed. He has further threatened that, if the salaries of the teachers and non-teaching staff are disbursed without compliance of the TDS, action would be initiated against the Management and the Bank Account would be attached. The learned Advocate for the Management, therefore, submits that, in the larger interest of the Society and the School, the Management would forward the name of Shri. Vijay Rokade to the Education Officer (Secondary), on or before 11/04/2022 and the Education Officer would grant approval for the appointment of Shri. Vijay Rokade as an In-charge Headmaster, upto the conclusion of the first semester, i.e. upto Diwali vacations.

(4)

6. In view of the above, we are recording that the Management, respondent No.5, would forward the proposal of Shri. Vijay Rokade to the Education Officer (Secondary), on or before 11/04/2022 and the Education Officer shall thereafter, grant approval for the appointment of Shri. Vijay Rokade, as In-charge Headmaster for an initial period upto the Diwali vacation i.e. 30/11/2022. We are passing this order by the consent of the parties and by recording the information given to us that Shri. Vijay Rokade was earlier granted approval as an In-charge Headmaster w.e.f. 01/07/2019 on-wards. It is only in the interregnum in 2020 that he was replaced by another In-charge Headmaster and thereafter, the teachers as well as the Management are at loggerheads.

7. In view of the above and on instructions, this petition is disposed off.

(S. G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)