

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 WRIT PETITION NO.525 OF 2019

PANKAJ SUBHASH MAHAJAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. M.S. Deshmukh h/f. Mr. Gite Umesh B.
AGP for the respondent – State : Mrs. M.A. Deshpande
Advocate for respondent no. 5 : Mr. V.D. Hon, Sr. Advocate h/f. Mr. A.V. Hon
...

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 26 SEPTEMBER 2022

PC :

Heard learned advocate Mr. Deshmukh for the petitioner,
learned AGP and learned senior advocate Mr. Hon for the contesting
respondent.

2. The petitioners are aggrieved by the communication dated
12-12-2017 (Exhibit – C) whereby the respondent – Deputy Director of
Education granted stay to the approval granted to the petitioners'
appointment on the sole ground that the dispute between the
management was pending adjudication before the Assistant Charity
Commissioner.

3. The learned senior advocate Mr. Hon, on instructions, submits that the dispute that was pending before the Assistant Charity Commissioner has been finally decided on 29-01-2021.

4. Learned advocate Mr. Deshmukh for the petitioners vehemently submits that the Deputy Director of Education had no power and jurisdiction to examine the approvals granted in favour of the petitioners and that the petitioners intend to approach him and satisfy him about it.

5. Without expressing anything on the merits as regards the legality of the approval granted in favour of the petitioners or the jurisdiction of the Deputy Director of Education to sit over it, we dispose of the writ petition by quashing and setting aside the impugned communication.

6. The Deputy Director of Education may take his own decision in accordance with law after hearing the petitioners.

[SANDEEP V. MARNE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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