

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8237 OF 2022

WITH

INTERIM APPLICATION (ST) NO. 18019 OF 2022

IN

WRIT PETITION NO. 8237 OF 2022

Kum. Prajakta Ajit Kanase ... **Petitioner**
Versus
The State of Maharashtra & Ors. ... **Respondents**

WITH

INTERIM APPLICATION (ST) NO. 18019 OF 2022

IN

WRIT PETITION NO. 8237 OF 2022

Dr. Subhlaxmi Hambirrao Patil ... **Appliant**

In the Matter Between :

Kum. Prajakta Ajit Kanase ... **Petitioner**
Versus
The State of Maharashtra & Ors. ... **Respondents**

Mr. Prashant Bhavake, Advocate for the Petitioner.

Mrs. P. G. Gavhane, AGP for the Respondents/State.

Mrs. Archana Gaikwad, Advocate for the Intervenor/
Appliant.

**CORAM: S.V. GANGAPURWALA &
 MADHAV J. JAMDAR, JJ.**

DATED : JULY 26, 2022

P.C.

1. The proposal seeking approval to the appointment of petitioner is rejected on two grounds. The first is that the appointment of the petitioner is of 1st March 2019 and

proposal is submitted after two years and the second is there is dispute amongst the members of the Management and as such, the present position is not clear.

2. Under the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act 1977, powers of appointment are detailed so also the powers of School Committee. The same has to be considered by the Education Officer.

3. Intervention application is filed on the ground that the Management is not made a party and the documents relied by the petitioner are forged documents.

4. In the present writ petition, we are not going to make an enquiry into the legality of the contentions of the parties and/or documents on record.

5. The impugned order is set aside. The Education officer shall reconsider the proposal seeking approval to the appointment of the petitioner considering the provisions. If the Intervenor has any objection, the same shall be raised before the Education Officer. The Education Officer shall decide the same proposal afresh preferably within six months. The parties may point out the relevant provisions.

6. The writ petition is disposed of. No costs.

7. In view of disposal of writ petition, the interim application shall also disposed of.

(MADHAV J. JAMDAR, J.)

(S.V. GANGAPURWALA, J.)