

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 700 OF 2019

- 1) Jambukeshwar Samaj Vikas Sanstha
Sakhra, Tq. & District Washim,
through its President, Nivrutti
Tulshiram Raut, Aged about 31 years,
Occupation – Legal Practitioner,
R/o 'Shraddha', Ward No.10, Vithabai
Nagar, Washim Road, Pusad, District
Yavatmal.
- 2) Shriram Charandas Baba Vidyalaya,
Falegaon (Thet), Tq. & District Washim,
through its Headmaster by name
Vinay Shriram Kamble,
Aged 47 years, R/o Falegaon (Thet),
Tq. & District Washim.
- 3) Vinay Shriram Kamble,
Aged 47 years, Occupation – Headmaster,
Shriram Charandas Baba Vidyalaya,
Falegaon (Thet), Tq. and District Washim
R/o Falegaon (Thet), Tq. and District
Washim.

.... **PETITIONERS**

VERSUS

- 1) State of Maharashtra,
through its Secretary, Ministry of
Education Department, Mantralaya,
Mumbai-32.
- 2) Deputy Director of Education,
Amravati Region, Amravati.
- 3) Education Officer (Secondary),
Zilla Parishad, Washim.

4) Balakdas s/o Vishnudas Vaishnav,
Aged about 53 years, Occupation – Teacher,
R/o Vinayak Nagar, Civil Lines, Near
Irrigation Colony, Chikhli Road, Washim. **RESPONDENTS**

Mr. R.L. Khapre, Senior Counsel assisted by Mr. D.R. Khapre, Counsel
for the petitioners,
Mr. A.M. Deshpande, Addl.G.P. for respondents 1 to 3,
Mr. P.S. Patil, Counsel for respondent 4.

WITH

WRIT PETITION NO. 2063 OF 2019

Balakdas Vishnudas Vaishnao,
Age 52 years, Occupation – Service,
R/o Kalamba Mahali, Tq. and District
Washim. **PETITIONER**

VERSUS

- 1) State of Maharashtra,
through its Principal Secretary,
School and Education, Mantralaya,
Mumbai-32.
- 2) Education Officer (Secondary),
Zilla Parishad, Washim, Tq. and
District Washim.
- 3) Jambukeshwar Samaj Vikas Sanstha,
Sakhara, through its Secretary-Sudhir
Moritam Warkad, Age 38 years,
Occupation – Agriculturist,
R/o At Kharola, Post – Kajalamba,
Tq. and District Washim. **RESPONDENTS**

Mr. P.S. Patil, Counsel for the petitioner,
Mr. A.M. Deshpande, Addl.G.P for respondents 1 & 2,
None for respondent 3.

CORAM : ROHIT B. DEO & ANIL L. PANSARE, JJ.
DATED : 5th AUGUST, 2022

ORAL JUDGMENT : (PER : ROHIT B. DEO, J.)

Writ Petition 700/2019 is filed by Jambukeshwar Samaj Vikas Sanstha (management) and Mr. Vinay Shriram Kamble, who claims to be entitled to the post of Headmaster of Shriram Charandas Baba Vidyalaya. The grievance in Writ Petition 700/2019 is that vide order dated 16-1-2019 the Education Officer (Secondary), Zilla Parishad, Washim has conferred administrative and financial power of the post of Headmaster on respondent 4-Mr. Balakdas s/o Vishnudas Vaishnao superseding the better claim of petitioner 3-Mr. Vinay Shriram Kamble.

2. Writ Petition 2063/2019 is filed by Mr. Balakdas Vishnudas Vaishnao, who is assailing the same order supra, to the extent the order does not appoint Mr. Balakdas Vishnudas Vaishnao as regular Headmaster and only administrative and financial power is conferred.

3. We have scrutinized the record.

4. Some factual issues may have to be resolved, *inter alia*, whether Mr. Balakdas Vishnudas Vaishnao did, as a fact, render himself disentitled to the post of Headmaster by refusing to accept the post earlier.

5. Certain other issues would also arise, to which we consciously do not advert, in the context of the order which we propose to make, with consent of the parties.

6. The learned Counsel for the litigating parties and the learned Additional Government Pleader Mr. A.M. Deshpande state in unison that it would be appropriate if the order impugned in both the petitions is quashed and the matter is remitted to the Deputy Director of Education to pass an appropriate order after hearing the parties. The learned Counsel further agree that till the Deputy Director of Education takes an appropriate decision the administrative and financial power shall continue to vest in Mr. Balakdas Vishnudas Vaishnao.

7. In this view of the matter, the order impugned in both the petitions is quashed. The issue is remitted to the Deputy Director of Education, who shall take an appropriate decision within ninety days from the date of appearance of the parties.

8. The parties shall appear before the Deputy Director of Education on 17-8-2022 and shall produce before him copy of this order.
9. The parties shall not be issued any formal notice.
10. The petitions are disposed of in the afore-stated terms.

(ANIL L. PANSARE, J.)

(ROHIT B. DEO, J.)

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