

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

25 WRIT PETITION NO.9426 OF 2023

MUNAF SHAIKH ABDUL REHMAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
ANOTHER

Mr.Mohit S.Shah, Advocate for the Petitioner.
Mr.V.M.Kagne, AGP for the Respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : AUGUST 28, 2023

PER COURT :

1. Though the Petitioner creates an impression through this petition that an innocuous prayer is made, we find that the fact situation is otherwise.

2. The Petitioner claims to be a Member of Anjuman Faroge Taleem Education Society, Dhule, which operates Aabeda Mugni Urdu High School, Dhule. The Trust has appointed one Masood Iqbal Mohammad Aabid as a teacher. A resolution appointing him is passed by majority. The Petitioner is a lone member, who is opposing the

appointment alleging that it is illegal. Therefore, he has lodged a proceeding before Deputy Director of Education, requesting him to cause an enquiry and cancel the appointment of Mr.Aabid.

3. We record that in Service Law, a roving enquiry cannot be conducted or ordered. The Petitioner is a Member of a Trust. Just because he has a reason to believe that Aabid's appointment is illegal, would not give the locus to challenge it in a Writ Petition. When the Trust has applied it's mind and passed a resolution, we are afraid that it would be a dangerous situation if an individual member of the Trust is permitted to challenge appointments of employees appointed by majority, by the Trust.

4. In view of the above, **this Petition cannot be entertained and the same is dismissed.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)