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

909 WRIT PETITION NO.11694 OF 2023

**IRSHAD KHAN NAYEEM KHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS**

....

Mr Vivek Dhage, Advocate for Petitioners;
Mr P. S. Patil, A.G.P. for Respondent No.1
Mr S. R. Yadav Lonikar, Advocate for Respondent No.2
Mr V. M. Maney, Advocate for Respondent Nos.3 to 8

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

DATE : 26th September, 2023

PER COURT:

1. We have considered the submissions of the learned Advocates for the respective sides.

2. It is undisputed that the impugned orders in this Writ Petition, which are almost identical, have been passed by Respondent No.2/ Education Officer (Primary), Zilla Parishad, Parbhani, refusing to grant approval to the appointments of the Petitioners on the ground that, there is an internal dispute between the two groups in the Management. The impugned orders also indicate that the Education Officer has called for an explanation

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from the Chairman and the Headmaster of the School, in view of a Legislative Assembly Question (LAQ).

3. Considering the above, we are of the view that the Education Officer should scrutinize and verify each case of the Petitioners on the basis of the documents and the records available. If he finds that there are any deficiencies, he should call upon the concerned stakeholder to clear the deficiencies. Rather than disposing of the proposals on the ground that the Management has factions and internal squabbles, he should concentrate on the documents in order to test, as to whether the appointments are legally made and as to whether such appointments are sustainable.

4. In view of the above, **this Writ Petition is partly allowed.**

5. The impugned orders are partly modified only to the extent of the decision of the Education Officer, that the approval cannot be granted. Since the proposal has been returned to the Headmaster to clear the deficiencies, the Headmaster would submit the proposals once again, complete in all respects after clearing all the deficiencies, to the Education Officer. Thereafter,

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the Education Officer would scrutinize the documents, accompanying the proposal of each of these Petitioners, and after following the due procedure laid down in law, draw a conclusion, as to whether the approvals deserve to be granted or should be refused. Let such orders be passed on the merits of each of the proposals within a period of 60 days from the date of receipt of the corrected proposals from the Management.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk