

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

73 WRIT PETITION NO.418 OF 2023

ASHISH SHIKSHAN SANSTHA THROUGH ITS PRESIDENT
RAMDAS BHIKAN PANDIT
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

...
Advocate for Petitioners : Mr. Gastgar Santosh B.
AGP for Respondents: Mr. S.G. Sangle

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 17th JANUARY, 2023.**

PER COURT :-

1. The petitioner, a private education trust, puts forth the grievances against their own employee, respondent No.3, who is a Head Master, as under:-

- “a) The Head Master is not following the orders of the management.
- b) The Head Master has been suspended and yet he is discharging his duties.
- c) The departmental enquiry has been initiated against the Head Master.
- d) The Head Master is not handing over the charge to the in-charge Head Master.
- e) The Head Master is levelling false allegations against the private management

- f) The Head Master has lodged a false police complaint against the management.
- g) The Head Master has assaulted the Secretary of the Trust for which an F.I.R. is filed.
- h) The Head Master has a habit of arraying all trustees as respondents in various litigation.
- i) In view of the above position, the petitioners expect that this Court should issue a Writ of Mandamus to control the Head Master.

2. The learned advocate for the Petitioners has no answer to the fact that the Writ jurisdiction of this Court under Art 126 cannot be issued in such circumstances. He insisted that this Court should pass an order on the merits of the contentions of the management.

3. This petition is purely an abuse of the Writ jurisdiction of this Court and is dismissed with costs of Rs.10,000/-, which the petitioner management shall deposit in the office of the Advocates' Association of the Bombay High Court, Bench at Aurangabad, on or before 31.01.2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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