

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

25 WRIT PETITION NO.13584 OF 2023

SHRI BANKATSWAMI SHIKSHAN SANSTHA KHADKI GHAT THROUGH ITS
SECRETARY
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
ANOTHER

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Advocate for Petitioner : Mr. Sapkal Sandip R.
AGP for Respondents/State : Mr.S.B. Yawalkar

CORAM : MANGESH S. PATIL &
NEERAJ P. DHOTE, JJ.

DATE : 30.10.2023

PER COURT :

Heard.

2. The petitioner-institution is aggrieved by the fact that the respondent no. 2-Education Officer (Secondary) Zilla Parishad Beed by the impugned communication has refused to examine the roster furnished by it only on the ground that the enquiry in respect of the change report for the tenure 2018 to 2023 is *sub judice* before the office of the Charity Commissioner.

3. Having heard both the sides for a while, in our considered view, the reason assigned by the Education Officer (Secondary) to stay off the hands and refuse to examine the roster submitted by the petitioner only on the ground of pendency of some enquiry with the office of the Charity Commissioner is not sustainable in law.

4. Obviously, if some one has some objection regarding appointment then perhaps the Education Officer would be right. However, without expressing anything about any dispute much less in respect of the

appointments made by the petitioner, he could not have refused to examine the roster.

5. We dispose of the writ petition by quashing and setting aside the impugned communication and direct the respondent no.2-Education Officer (Secondary) to examine the roster furnished by the petitioner on its own merits but shall not refuse to examine it only on the ground of pendency of the change report enquiry in the office of the Charity Commissioner.

(NEERAJ P. DHOTE, J.)

(MANGESH S. PATIL, J.)

mkd/-