

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

37 WRIT PETITION NO.13307 OF 2022

SANJAY WAMAN HINGOLE
VERSUS
STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

...
Advocate for Petitioner: Dr. R. J. Godbole.
AGP for Respondent Nos.1 & 2 : Mr. P. S. Patil.
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CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.

DATE : 09th January, 2023.

Per Court :

1. The petitioner is aggrieved that respondent No.4 private education trust, namely Lok Kalyan Magasvargiye Shikshan Sanstha, is not accepting the application of the petitioner for seeking voluntary retirement. We find from page No.13, that the said trust / management, through the Headmaster of the school, has informed the petitioner that his application is rejected. He is unauthorisedly absent for 11 months and 9 days as on 7th September, 2022. Several allegations have been made against the petitioner.

2. While exercising our writ jurisdiction and keeping in view the Writ of Mandamus, we find that, it would not be appropriate to issue a Writ of Mandamus since the concerned trust is not 'State' within the definition under Article 12 of the Constitution of India. Be

that as it may, the dispute appears to be that the petitioner is not attending the duties and alleges that the management is not allowing him to sign the muster roll. The management alleges that the petitioner is remaining absent and is indulging in some inappropriate activities.

3. As such, this petition is disposed off.

4. In the event, the petitioner approaches the Education Officer (Secondary), he may look into the dispute within the framework of his jurisdiction.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]