



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2785/2021

Shri Jagdish Laxmanrao Tadas,
aged about 53 Yrs., Occ. Service,
R/o Mulik Complex, Somalwada,
Wardha Road, Nagpur.

... Petitioner

- Versus -

1. Pipra Shikshan Sanstha, Pipra,
Tahsil Umred, District Nagpur,
through its President Shri
Ramkrushna Marotrao Deshmukh,
aged about 80 Yrs., Occ. Cultivation,
R/o & Post Pipra, Tahsil Umred,
District Nagpur.
2. Dr. Shri Chandrabhan @ Chandrakant
Marotrao Deshmukh, Secretary, Pipra
Shikshan Sanstha, Pipra, aged about
70 Yrs., Occ. Medical Practitioner
(Retired Junior Clerk, Pipra High
School, Pipra), R/o Plot No.51, Near
Ladikar Ram Mandir, Ladikar Layout,
Manewada Road, Nagpur.
3. The Divisional Deputy Director of
Education, Nagpur Region, Nagpur.
4. The Education Officer (Secondary),
Zilla Parishad, Nagpur.

... Respondents

Mr. Pankaj A. Jibhkate, Counsel for the Petitioner.
Ms. Arti Singh, Counsel for respondent No.1.
Mr. A.A. Pannase, Counsel for respondent No.2.
Mr. Amit A. Madiwale, Assistant Government Pleader for
Respondent Nos.3 and 4.

CORAM: A.S. CHANDURKAR & MRS. VRUSHALI V. JOSHI, JJ.
DATE : 8.9.2023

ORAL JUDGMENT (Per A.S. Chandurkar, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. The petitioner is serving as Headmaster at the school that is being run by the respondent No.1 public trust. He seeks benefit of Senior Grade pay-scale from 19.10.2009 along with all consequential benefits as well as pay fixation on the basis of recommendations of the 7th Pay Commission. The Education Officer (Secondary) has not taken any decision on the entitlement of the petitioner to such benefits. This is for the reason that in

accordance with the Circular dated 6.3.2010 the members of the Management have not clarified as to whether there are any dispute in the running of the public trust. The Education Officer (Secondary) in paragraph 6 of his reply has stated as under:-

“6. It is submitted that, if it is cleared by the Management or Headmaster that there is dispute in the Management the office of the answering respondent can take decision and sanction the proposal of the Head Masters Seniority Grade. If the Management or the Headmaster do not await the proof for the same, the office of the answering respondent has to take opinion of the Charity Commissioner, Nagpur regarding the dispute. In case of dispute, the office of the answering respondent has to take the decision as per Government communication dated 6.3.2010 (at page 56 of the petition).”

3. In the light of the stand taken by the Education Officer (Secondary), the following order would serve the ends of justice:-

i) The respondent Nos.1 and 2 as well as the petitioner shall appear before the Education Officer (Secondary) on 16.9.2023 and place before him all relevant documents to

indicate pendency of dispute, if any, under the Maharashtra Public Trusts Act, 1950.

ii) On being made aware of this situation, the Education Officer (Secondary) shall take further steps in the matter so as to consider the claim of the petitioner for grant of Senior Grade pay scale and other consequential benefits.

iii) The necessary decision in that regard be taken within a period of four weeks from the date of receiving copy of the judgment.

iv) The Education Officer (Secondary) shall also consider the request made by the petitioner for return of the original service book / permission to prepare a fresh service book in accordance with law.

v) With aforesaid directions writ petition is disposed of.

vi) Rule accordingly. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S. CHANDURKAR, J.)