



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 6267/2023

Manora Shikshan Sanstha, Manora, Tah. Manora,
Dist. Washim, through its President Chandansa S/o
Punjansa Rothe, aged about 92 years, Occupation :
President, R/o Manora, Tah. Manora, Dist. Washim.

PETITIONER

.....VERSUS.....

1. The Education Officer (Secondary),
Zilla Parishad, Washim.
2. Jyoti D/o Mahadeorao Zade, aged about 56 years,
Occupation: Service, R/o Manora, Near Nagar
Panchayat Manora, Tah. Manora, Dist. Washim.
3. Sunanda Narayansa Band, aged about 56 years,
Occupation: Service, R/o Manora, Near Nagar
Panchayat Manora, Tah. Manora, Dist. Washim.

RESPONDENTS

Shri N.B. Kalwaghe, counsel for the petitioner.
Ms R.V. Sharma, Assistant Government Pleader for the respondent no.1.
Shri P.R. Agrawal, counsel for the respondent no.2.
Shri Yashowardhan Sambre, counsel for the respondent no.3.
Shri P.S. Patil, counsel for the applicants in C.A.W. No. 3072 of 2023.

CORAM : A. S. CHANDURKAR AND ABHAY J. MANTRI, JJ.

DATE : NOVEMBER 07, 2023.

ORAL JUDGMENT : (PER : A.S. CHANDURKAR, J.)

Civil Application (W) No. 3072 of 2023 is allowed and
disposed of for the reasons stated therein.

2. **RULE.** Rule made returnable forthwith and heard the
learned counsel for the parties.

3. The challenge raised in the present writ petition is to the
order dated 01.09.2023 passed by the Education Officer (Secondary)
granting administrative and financial power to the respondent no.2 for
the period from 01.09.2023 to 30.11.2023 as a stop-gap arrangement.

4. We have heard the learned counsel for the parties and we have perused the documents on record. The respondent no.2 had earlier approached this Court by filing **Writ Petition No. 4675 of 2023** [*Jyoti D/o Mahadeorao Zade Versus Education Officer (Secondary), Zilla Parishad, Washim & Others*]. In the said proceedings the order that was operating earlier dated 11.07.2023 was set aside and the Education Officer (Secondary) was directed to hear all the concerned parties including the petitioner therein as well as the present petitioner and the respondent no.3. Pursuant to the aforesaid, the impugned order dated 01.09.2023 has been passed.

5. It is seen from the record that an Enquiry Committee had been appointed and that Committee had submitted its report pursuant to the enquiry held on 26.08.2023. There is a dispute between the rival parties with regard to the material collected by the Enquiry Committee. We find that it is not necessary to go into these details. The administrative and financial powers are to operate till 30.11.2023. Regular head of the school is yet to be appointed despite such direction being issued by the Education Officer (Secondary) on 01.09.2023. In these facts, the following order would serve the interests of justice :-

- (I) The Education Officer (Secondary) shall hear all the concerned parties including the President and Secretary of the Society as well as the respondent nos.2 and 3 in the present proceedings and after considering all relevant material including the Enquiry Reports shall thereafter consider grant of administrative and financial powers for the period from 01.12.2023 and onwards.

- (II) To enable such consideration, the parties shall appear before the Education Officer (Secondary) on 10.11.2023.
 - (III) The parties are free to place before the Education Officer (Secondary) all relevant documents.
 - (IV) It is made clear that the order to be passed would be for the period from 01.12.2023 and onwards. However this direction shall not be construed as an expression of the correctness or otherwise of the earlier order dated 01.09.2023.
 - (V) A fresh decision be taken on its own merits and in accordance with law.
6. Rule is disposed of in aforesaid terms. No costs.

Authenticated copy of this judgment be supplied to the learned Assistant Government Pleader.

(ABHAY J. MANTRI, J.)

(A.S. CHANDURKAR, J.)