



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

938 WRIT PETITION NO. 3427 OF 2024

KHANDERAO ABHANGRAO KALE

VERSUS

THE STATE OF MAHARASHTRA THROUGH DEPUTY DIRECTOR OF
EDUCATION AND OTHERS

...

Mr. S.B. Bhapkar Advocate for Petitioner.

Mr. N.S. Tekale, A.G.P. for Resp. Nos. 1 and 2.

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**CORAM: SMT. VIBHA KANKANWADI AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 2nd APRIL 2024

ORDER :

1. Heard learned Advocate for the petitioner and learned AGP who waives notice for respondent Nos.1 and 2. Taking into consideration prayer clause "[C]" and the fact that the writ of mandamus cannot be issued against respondent No.4, there is no necessity to issue notice to respondent Nos. 3 and 4.

2. Petitioner is presently serving as in-charge headmaster. The petitioner submits that he came to be appointed as headmaster on 1st October 2006 and his said promotion and

appointment as headmaster was approved by order dated 19th January 2009 by respondent No.2. However, the petitioner came to be demoted on 1st December 2011. As regards his demotion is concerned, the same also came to be approved by respondent No.2 by order dated 22nd December 2011. However, the petitioner has not challenged that order. Thereafter the petitioner came to be appointed as in-charge headmaster and the same came to be approved by order dated 27th February 2023 for the said academic year 2022-2023. By order dated 31st October 2023 the petitioner got extension of six months to work as in-charge headmaster, and approval to the same was then again extended by order dated 29th February 2024 till the academic year of 2023-2024.

3. It appears that by letter dated 6th March 2024 it has been communicated by respondent No.4 to respondent No.2 that the approval granted to the petitioner's promotion as in-charge headmaster should not be continued.

4. Now the petitioner states that he has experience and there should be someone to run the school, the petitioner is the senior-most and therefore eligible. At this stage, we would say

that unless the petitioner is appointed on the post of headmaster on a regular basis, the proposal cannot be directed to be send to respondent No.2.

5. It appears that the petitioner has made representations on 17th July 2023 and 10th August 2023 to respondent No. 2, which are still pending. Therefore, taking into consideration the scope of the Petition, we dispose of the Writ Petition by giving direction to respondent No.2 to decide the representations dated 17th July 2023 and 10th August 2023, within a period of one month from today.

6. The Writ Petition stands disposed of, accordingly.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/APR24